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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 10

Transcript Volumes (English Version)

Volumes 26-28, p. 9,090-10,208 Mar. 15-30, 1948



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#### INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, United States of America v. Carl Krauch et al. (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and Englishlanguage versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

Case No.	United States v.		Popular Name		o. of endants
1 2	Karl Brandt et al.		Medical Case		23
2	Erhard Milch		Milch Case (Luftwaffe)		1
3	Josef Altstoetter et al.		Justice Case		16
4	Oswald Pohl et al.		Pohl Case (SS)		18
5	Friedrich Flick et al.		Flick Case (Industrialist)		6
6	Carl Krauch et al.		<ol> <li>G. Farben Case (Industrialist)</li> </ol>		24
7	Wilhelm List et al.		Hostage Case		12
8	Ulrich Greifelt et al.		RuSHA Case (SS)		14
9	Otto Ohlendorf et al.		Einsatzgruppen Case (SS)	55	24
10	Alfried Krupp et al.	*	Krupp Case (Industrialist)		12
11	Ernst von Weizsaecker et al.		Ministries Case		21
12	Wilhelm von Leeb et al.		High Command Case		14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben;
manager of Leuna plants; production chief for gasoline,
methanol, and chlorine electrolysis production at Auschwitz
and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the
Himmler Freundeskreis (circle of friends of Himmler); and
SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haefliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

- Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.
- Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.
- August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.
- Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.
- Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.
- Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.
- Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.
- Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.
- Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines. 1 The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haefliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Buetefisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Buetefisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

Name	Length of Prison Term	(years)
Ambros	8	
Buergin	2	
Buetefisch	6	
Duerrfeld	8	
Haefliger	8 2	
Ilgner	3	
Jaehne	1 1/2	
Krauch	6	
Kugler	1 1/2	
Oster	2	
Schmitz	4	
von Schnitzler	5	
ter Meer	7	

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered la-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

First Motion of the Prosecution, volume 1
First Joint Motion, volume 3
Second Joint Motion, volume 14
Third Joint Motion, volume 24
Fourth Joint Motion, volume 29
Fifth Joint Motion, volume 34
Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

Exhibit No.	Doc. No.	Exhibit No.	Doc. No.
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series. M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume Trial of the Major War Criminals Before the International Military Tribunal (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10 (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

Roll 10

Target 1

Volume 26, p. 9,090-9,485

Mar. 15-17, 1948

# OFFICIAL RECORD

# UNITED STATES MILITARY TRIBUNALS NURNBERG

CASE No. 6 TRIBUNAL VI U.S. vs CARL KRAUCH et al VOLUME 26

> TRANSCRIPTS (English)

15-17 March 1948 pp. 9090-9485

Official Transcript of Hilitary Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Numberg, Germany on 15 Harch 1948, 0900 - 1645 hours, Justice Curtis G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: If your Monors please, all the defendants are present with the exception of the defendant Duerrfeld, who is absent and amoused.

THE PRESIDENT: Are there any announcements from counsel for the defendants?

DR. PRIBILLA: Your Honor, I should like to ask you to excuse Dr. Jachne for Tuesday, Tednosday, and Thursday of this week because his case is approaching.

THE FRESIDENT: That request is granted.

Anything from the Prosecution this morning?

You may continue, Counsel.

DR. VON HETZLER: Dr. von Hetzler, counsel for the defendant Paul Haefliger.

DIRECT EXAMINATION (continued)

DR. PAUL HAEFLIGER

BY DR. VON LETZLER: (continued)

Q. Hr. Haefliger, at the end of your examination on Friday you were speaking of the international conventions in the sector of heavy chemicals. Let me now ask you this: That special situation prevailed in this sector as compared to the restant and nitrogen industry?

A. I should like to briefly supplement my provious statements by saying this: It would be erronous to assume that the cartels which I described eliminated all competition. On the contrary, it is far more difficult to sell when prices are equal. The obligation not to bid lower than the prices fixed by the cartel means in practice that one has to exercise the greatest amount of care when serving the customer with

COURT VI CASE VI 15 Nor 48-1-2-M-AEH-Hosdorff (Romlor)

respect to quantity, packing, et cotern. In other words, only good service to the customer assures the number of the cartel to be able to sell the contingent he desires. Every herber naturally attaches greatest value to sell its own quota bimself to the customer. With respect to the conventions in this heavy chemical field as compared to other fields, I might say that contrary to the dyestuffs and nitrogen industry the chemical industry in all countries was characterized by the existence of numerous smaller and medium enterprises which specialized on relatively few products. Consequently, as a result of the variety of the members, every product had to be treated individually. Therefore, there was such a number of small conventions in this field. Different, however, is the situation in a large economic area, as the United States, for instance, The East, the Middle West, and even the West - the Pacific Const - are economic entities which, as a result of high transport costs, can not complete seriously. Added to that is the legislature in the United States which prohibits any such agreements with allied partners.

- Q. Dr. Haefliger, you were just speaking of the necessity, in view of the poculiar character of the chemical business, to adjust sales with the works managers concerned. That special committee had been founded in Farben in order to bring about the necessary contact between the technical man and the salesann in the chemical Sparte?
- A. In 1928 the Chemical Committee had been founded which, as far as I remember, was at that time called the Amerganic Committee.
  - Q. Did you belong to this Chemical Conmittee?
- A. No. Only after 1938. Up to that period it had only three members.

  Mr. Teber-Andreae, as salesman, was the chairman; Dr. Pister and Dr.

  Kuchne were the other two members as technical experts.
- Q. Would you please briefly describe to the Tribunal the functions of that Chemical Committee?
- A. The Cheme, the Chemical Committee, in which technical experts as well as salesmen participated, served mainly to supervise the cartel policy of the head of the sales combine chemicals, Mr. Weber-Andreae. As I said

before, 'decisions in this field could affect production directly, in view of the peculiarity of the market in this field. Mr. Weber-Andreae was always opposed to the fact that technical men participated in negotiations of a purely connercial nature. He said that if that continued other partners would do the same thing. All the more reason had his technical colleagues to insist that the Chema be instituted in order to control the management. Furthermore, the heads of the technical fields wented to be consulted with respect to licenses abroad. That was corresponding to an order issued by Professor Beach.

- Q. Mr. Haefliger, were current business affairs discussed in the TEA, referring to the connercial organization and were questions decided, arising from such business?
- A. The two subjects I mentioned the supervision of the cartel and convention policy of the head of the chemical party and the granting of licenses to foreign firms formed the main subject, the main sphere of activity of the Chema, with almost no exception.
  - Q. Did anything change in this situation later?
- A. Yes. Then new fields of organic chemistry came up plastics, solvents, et cetera and when they made necessary the substitution of technical men by salesmen, such matters were senetimes brought before the Chema. This necessity started as from 1935, when the new organic chemistry began to develop intensively throughout the entire world.
  - Q. Did the Chana doul with the drafting of production programs?
- A. No. This question was discussed in the technical sub-confusions affiliated to the TEA.
- Q. And who made the decisions with respect to the questions discussed , in those technical sub-committees?
- A. As far as the technical field was concerned, it was, I believe, the so-called Technical Production Committee of Sparte II, which was subordinated to the TEA and which transmitted to it its decision.
- Q. Mr. Haefliger, during your exemination you mentioned, emengst other things, that you later dealt with metals in the Sales Combine

COURT VI CASE VI 15 Har 48-1-4-H-ABH-Hasdorff (Renlar)

Chemicals. What were the metal interests of Farben and to what extent were you concurred with such questions?

A. The Duisburger Kupferbuckte constituted an important field where almost all Western German sulphuric acid producers participated. The copper and zine containing unstages were used at the Kupferbuckte. All these metals were independently processed by that plant. The Sales Combine Chemicals itself had nothing to do with that, and, consequently, I had nothing to do with it. Iluminum was produced by the Iluminium was, G.H.B.H., Bitterfeld. This company, with 50 percent each, belonged to Farbon and to the Metallgesellschaft, Frankfurt. The latter had always been charged with the sale. Farbon limited itself to exercise some supervision of the responsible business management, together with representatives of the Metallgesellschaft.

Correction. I did not attend such company meetings before 1933.

However, during wartime I did attend them rather regularly. Questions of prices were mostly discussed and the orders of the authorities for the expansion of the plant. Whenever Weber-Andriac did not participate himself I had to report to him.

The aluminum policy has always been dealt with decisively and prodominantly by the United Aluminum Plants, abbreviated V.A.W., which belonged a hundred percent to the Reich.

Magnesium sale was at first at Frankfurt and later at Bitterfold.

The so-called high priced field, which, however, is only a small fraction of the entire business, is constituted by pure magnesium for sale as well as magnesium in its oldest forms — that is, wire and powder. Department M dealt with that,

The other large field, magnesium alloys, particularly in the form of electron motals and semi-products, were dealt with by the Department Elektron-Motall at Bitterfold . This was a difficult field, technically not yet developped, which demanded a close cooperation of the sales people with the technical men. That is why the department was transferred to Bittorfeld in the year 1931. Up to that point the Department M had dealt with this very phase of business. The Department Elektron-Metall at Bitterfold was working quite independently under Director Siegler, Zieglor was responsible to Teber-Andreae, who up to the end -- that is to say, up to his doath at the end of 1943 - dealt with the light metal field from a commercial point of view as his special field. The same applied also to the light metal sector of the Department M, of which I already spoke. Director Meyer-Kuester was in charge of this extremely independent department and turned, with respect to all more important questions, directly to Meber-Andreac. Meyer-Kuester was a fanatical National Socialist. I could observe that he was quite an exception within Farben in this respect. At any rate, we never got on well together, and, as I had to find out later, he didn't properly report to me about his current

affairs.

- DR. VON ETZLE: Your Honors, reference is made to Exhibit
  Number 6, Defense Counsel Exhibit Number 6, affidavit of Karl von Heider.
  Your Honors will find this affidavit in Book I on page 18. In this affidavit
  von Heider states that Dr. Ziegler and Depar-Kuester, when the defendant
  just now mentioned, did not keep Haefliger informed in detail about the
  current business of their respective departments.
- Q. Herr Haofliger, you were speaking about the extensive indopendence of the Director Mayor-Kuester and Ziegler. What were your functions in the light metal sector?
- A. Well, Mr. Weber Andreac only used me for special tasks in the light metal field. In other words, odd jobs. That is why I could only acquanit myself with the general situation to the extent it was necessary in order to deal with preparatory negotiations and special tasks, especially abread. As a result of my knowledge of languages and ability to sense foreign mentality, I seemed to be the proper man for that.
  - Q. Mr. Haufligur, give us some examples of such odd jobs.
- A. Yes. For instance, the negotiations concerning the liquidation of the Electron-Metals Corporation of America, New York. Negotiations concerning the foregoing of Farben of the right of option with the American Magnesium Corporation. Megotiations about the sale of Elektron-Letall, G.M.B.M., Stuttgart. Occasional contacts and attendance at discussions at London, in Teris, which later on brought about the licensing of Magnesium plants in England and France.
  - Q. Thank you very much. That will suffice.

Before I interrupted you, you spoke of ferro-alloys. Would you please continue?

A. Yos, Such alloys, mainly ferro-wolfram, ferro-tungston, ferr-malybden and, much later, ferro-manadine, were started in Bitterfeld in approximately 1928, since wolfram and molybdene were in a special form necessary for the hydrogenation of coal but the special production

of these products alone would not have been economically advantageous. The ferrous business was therefore transferred to Department M. I almost exclusively had to deal with that business only as far as it was necessary for me to report to Lord Riverdale, the man of the English group on the occasion of the puriodic conventions of the International Ferro-Wellram and Molybdene conventions. To this convention German, French, and English groups belonged. In the Gorman group Farbon participated with about 30 percent. This Gorman group in turn was concerned with the export outside the syndicate market thich were -- with which every group was protected with about 30 to 40 percent. Up to 1938 we predominantly were concurred with exports to Russia and to a smaller extent with export to Czechoslovakia and Austria. This international convention dristed already at a time when Farbon, between 1928 and 129, started production. Farbon joined on the invitation by the English group, who wanted us to join, After 1934, mickel was added, The sale had been transferred to Mtall-Gesellschaft and the Department M merely dealt with a small sector. That was the introduction of the new nickel for new purposes, such as accumulators and alloys with special magnetic properties. Participation was also included with Internation Nickel Company and Mond Nickel Company as far as commercial interests were concerned. I attended the more important negotiations togother with Weber-Andreac. Finally, you have to mention flints for pocket lighters, for which there already existed an international convention before 1933 between Garmany, Austria, and France. I also participated thore.

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- Q Tas that 11 the sphere of work of Dopartment M?
- Q ir. Haerliger, I think that wall suffice. We don't have to go into details.
- A And then there were protective substances against rust and synthetic diamonds, etc. All these are fields which had to be accommodated someh we.
- Q Mr. Haefliger, one brief question. This lotter M which was used for this department isn't that an abbreviation of the word netals?
- their pre-trial investigation. M. stands for miscellaneous. The Sales Combine Chemical had about a dozen sub-departments, each of which was designated with the letter. When this new department needed a new letter, V for Verschiedenes would naturally have been correct, but V tallied with the other Lepartment V Versicherung, Insurance. That is why Weber-Andreas and I, both of who could speak anglish, arrayed at M. for miscellaneous. It really doesn't mean anything.
- Q You have been describing your functions to the Tribunal up to the beginning of the war in 1939 in the Sales Combine Chemicals. Now, in order to complete the picture, would you be good enough to describe your activity within this sales combine after the outbreak of the war?
- A After the outbreak of war in 1939 the largest part of my actual field of work that is to say, dealing with international conventions -

dropped out. Wy activity from that point was limited more and more to special tasks, old jobs within the metal fields, and other special duties assigned to me from time to time. Since I never had anything to do with the internal organization at Frankfurt and since I did not deal with accimistrative matters, I became rather superfluous there and very soon after the cutbreak of the war I moved to Borlin where I had a second residence and where I kept up a little office in the cutskirts,

- Q Where did you reside before?
- A At Frankfurt.
- Would you please give us a few examples of such odd jobs assigned to you after the outbreak of war?
- A vell, there were negotiations and discussions concerning consercial questions when Mordisk Lettmetall at oslo, Norway was founded, negotiations with the Petsamo-Nikkeli in Finland concerning orders of nickle cre; participation in negotiations with the Stahlverein for the foundation of the Tostphaelische Leichtmetallwerke; negotiations with the light metals plant of Berghaus at Rackeltz. They had a contract with us which had to be discontinued. I participated in the negotiations concerning the acquisition of Metallguss, A.G., Leipzig; license negotiations concerning magnesium with the Kali-Terke Wintershall and VAW, United Aluminum Works; participation in license contracts with an Italian magnesium factory in Aosta and Mabag-Budapest; maintaining the commercial interests of Farben in the Schwefel G.m.b.H; at a later date, license with respect to flashlights with Professor Dr. Schmidt came up.
- Q Your Honor, I draw your attention to Haefliger Exhibit 11 which Your Honors will find in Book 1 on page 33. This is an affidavit by Michael Schneider describing the actual position of the defendant after the outbreak of the war within the framework of I.G.

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hr. Haefliger, I should like to revert to the committees which were in Farben. To which ones of these committees did you belong?

A I belonged to the Commercial Counittee from 1937 to 1945; the South East Europe Committee from 1938 to 1945; the Eastern Asia Committee from 1936 or later up to the end; the Propaganda Commissions from 1933 to 1945.

- Q Did you belong to the Bastern Committee?
- I know, nover actually came into being.
- Q I should now like to briefly discuss with you the functions of these committees which you just montioned. First of all, would you please describe to the Tribunal briefly the activity of the commercial Committee? When was it founded?
- Committee. The first Commercial Committee was formed early in 1928 under the chairmaship of Dr. von Schnitzler. It consisted exclusively of members of the Working Committee and I did not belong to that. In April 1933 it was practically dissolved by Professor Bosch. In my opinion, and as far as I know, this first KA never met after that. In the fall of 1937 a new Commercial Committee was brought into being.
- Q Tere you a number of the first Conservatal Committee which you just mentioned?
  - A No. I think I already said that. I was not a member.
- Q Then you belonged to the so-called second Conversial Consittee which was founded later?
  - A Yes.
- Q Gould you briefly describe to the Tribunal the reasons for the foundation of a new Commercial Committee?
- A Yes. The interference by the authorities with free traffic of goods between foreign countries and the home country asserted itself more and more.

Particularly various regulations and directives by the largely extended machinery of the dational Socialist authorities brought about differences of opinion between business men and sales spartes. In order to eliminate any unpleasant reactions as a result of such discussions and queries and in order to keep Farben's interests on a uniform basis the Cornercial Cornettee was formed. It was to afford all interested Farbon members an opportunity for an exchange of opinions. That was the main reason, but also in general questions of export, particularly in view of the precarious fereign exchange situation and also in view of the numerous difficulties in the traffic of goods, discussions—proved to be necessary. Contrary to the first consistee, members could join the second committee who did not belong to the Working Cornettee Then it was customery to use a number of cornercial experts in view of the increasing difficulties.

- Q Then what was the character of that Commercial Committee?
- A It had a purely informative and consultative character.

  It wasn't a circle which had any functions as a result of which it could make decisions. That becomes apparent from its composition. For instance, from the very beginning, three were members who were not members of the Verstand.
- Q br. Easfliger, was the independence of the various sales combines within Farbon limited through the Comparcial Committee?
- A No. The maintenance of autonomy of theseles combine, was confirmed again when the Commercial Committee was founded. The current business of the individual sales combines and their organization was not interfered with by the Commercial Committee, nor did it interfere with the cartel policy of the individual sales spartes. The sparte heads were responsible for that.
- Q Could the Commercial Committee make decisions with respect to matters which fell within the jurisdiction of the individual sales combines?
  - A No, I have laready said that.

- Q. Did the Commercial Committee have anything to do with technical planning and the formation of production programs?
  - A. No.
  - Q. Who was responsible for these matters?
  - A. This was the TEA's jurisdiction.
  - Q. Did the Commercial Committee have bylaws?
- A. No. Those were intentionally not laid down because the exchange of thoughts and opinions came about quite extemporaneously. Is I said before, the Commercial Committee was not to have authority to make decisions.
- Q. Your Honors, I beg to introduce now another document. This is Haefliger Document #19 which Your Honors will find in Book 1 on page 35 and which may go in as Haefliger Exhibit 12. This is a copy of an affidavit of Karl von Heider, former titular director in the Verkaufs-gemeinschaft Chemikalien. The original of this affidavit will be introduced by the defendant von Schnitzler as part of his document books. As, however, these document books are not yet ready I regret not to be able to give this document a Schnitzler exhibit number. Therefore, I would ask to be permitted to do this at a later date after the presentation of the Schnitzler document books.

THE FRESIDENT: That will be antirely permissible.

BY DR. VON METZLER:

Much obliged, Mr. President. The affiant von Hoider testifies on the nature and the activities of the Commercial Committee which he describe as purely informative. He states that the Commercial Committee had no authority and did not interfere with the current business of the various sparten responsibility. Verkeufsgemeinschaften, which conducted their business in an independent manner. He states that the Commercial Committee could make only recommendations to the various Verkaufsgemeinschaften without any power of decision. I may quote one significant sentence from this affidavit. I quote:

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"The principle of sovoroignty always applied to the interests of the sales combines. Thus they were autonomous enterprises."

- Q. Mr. Haefliger, furthermore you were a member of the South East Europe Committee. Would you please describe to the Tribunal the functions of that committee?
- A. I think I can be very brief about that because this subject will naturally be dealt with by Dr. Kuchne and Dr. Illener exhaustively. The South East Europe Committee was founded at the end of 1938. It was founded as a result of the true realization that, in view of the foreign currency situation and in view of the increasing difficulties of goods exchange with the rest of the world, more interest had to be taken in the South Eastern countries of Europe. This Committee too only had an informative and consulting character and could not interfere with the severeignty of the sales spartes. It was a sub-committee of the KA and the TEA because very often questions of industrial development were discussed. In a few single experiences in the chemical field were also discussed. In the KA minutes of the 25th of September 1940, the following-statement is made:

"Dr. von Schnitzler gives a report, using a paper by Dr. Duhl, about the coming into being of the South Eastern Committee. A discussion followed and an agreement was reached that the South Eastern Committee has no decidive but purely advisory functions and is delegated beneath the Ka and the TEA."

Q. Your Honor, reference is made to the Prosecution Exhibit 369,
Document Book 14, English page 28, Germen page 44, Your Honors will find
therein the minutes of the meeting of the Commercial Committee to which
the defendent just now referred.

Mr. Haefliger, as you said, you were also a member of the East-Asia Committee. What were the tasks of this committee?

A. The Best Asia Committee was formed at the end of 1935, I believe. It had no authority to make decisions. It only served the

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purpose of ascertaining what problems were to be dealt with by the individual spartes of Farben in order to assure a uniform process of the individual spartes, particularly from a technical point of view, in Eastern Asia. Horo too we are concerned purely with an informative task, perticularly advice by the chairman, Kommerzienrat Dr. Waibel, who was an export on East Asia and because of whom the committee was only formed. He never really had any significance and therefore that committee only had very few mambers. From 1935 to 1938 I only attended four very brief

- Q. Was the movoroignty of the individual spartes limited in any way because of the existence of that committee?
  - A. No, not at all.
- Q. Were licenses ever granted in the field of chemicals in Eastern Asia7
- A. I only remember one single case in the field of chemicals which lod to some concrete result. It was the formation of the firm in Japan for the production of Titen-Weiss. That was done together with the United States National Load Corporation.
- Q. What was the relationship of the chemical business in Eastern Asia with the nitrogen pharmacoutical and dye stuffs business there?
- A. The chemical business was insignificant compared to the production which you mentioned and was far behind phermaceutical and dyo stuffs. I can say nothing about nitrogen because I don't know.
- Q. Did the head of the sales combine, Weber-indreas, attach great significance to this East Asia Committee?
  - A. No. That was why he was never a member.
- Q. Mr. Hoofliger, I am now turning to the lest farbon committee to which you belonged, the so-called Propaganda Commission. Would you be good enough to toll the Tribunal briefly what the functions of this committee.wore? Above all, did it have anything to do with political propaganda?

15 Mar 48-M-4J-4-4-Loonard-Ramler Court 6 Case 6 A. No, in no way. The original name Propaganda Commission is very misloading in that sense. It was later changed to Advertising Committee. The commission dealt only with advertising matters and tried to exchange experiences about the best types of advertisement among the various departments of the firm and to achieve some sort of uniformity. Q. "hon did you become a member of that Propaganda Committee? A. That was in 1933 and I joined upon request of Mr. Weber-Andreas. At that time the Chemicals Sparte started to sell other specialized products in addition to their standard products, which ware suitable for advertisement. That is why we wented to learn something in that field from the pharmacoutical and photographic, and dye stuff s partes which, had more experience in that since a long time. Q. Did you frequently attand meetings of that committee? A. No. My secretary kept diaries which ended in 1938 and relying on those diaries I can find that I only attended such mostings six times throughout all these years, but I think Mr. Menn will give us more information on that subject and I don't have to go into it any further now. Q. Mr. Hasfliger, you were just speaking of your diaries and you mentioned the fact that these diaries were concluded in 1938. Weren't any diaries kept during the later years by you? A. Yos, of course. The other diaries were destroyed in Berlin as a result of the bembing attacks at the beginning of 1944. The old ones were still in Frankfurt and could be saved. Q. Mr. Haefliger, you have been giving the Tribunal a survey of your jobs and functions within Farbon. I should now like to conclude the first part of your examination and very briefly discuss with you the problem which was proviously discussed here, namely the limitation of responsibilities within Farben. When asked about the Commerical Committee you talked about the relation of that committee to the various sales combines in Farben. Would you once more briefly explain to the Tribunal 9104

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the position of the sales combine within the framework of the Farben organization?

A Tes, basically the sics combine, die stiffs, pharmaceutica, photographica, were autonomous fields which wealt with their current business on their own responsibility under their own head. As the "community of interests," shows, we are here concerned with a community of interests of various firms. After the end of the inflation in 1923 through the creation of the new Mark by Schacht, the maintenance of a commorcial organization of every firm which had been marged and which at the same time sold pharmaceutical chemicals, dye stuffs, etc., would not have been justifiable from an economic point of view. Consequently the products were divided up in various—fields. That is how the individual sales combines cane into being, which is a way become the successor of the former independent firms as far as the particular sphere of work was concerned.

Q here the individual sales combines very much interested in maintaining their independence?

A Yes, they did not permit anyone to interfore with their sales organization.

Q Mr. Eaefliger, how about information to Verstand members during Verstand meetings about matters which went beyond your own sphere of business, was there any such information and if yes, to what extent?

Verstand meetings took place once every six or eight weeks. They lasted for about three hours in the morning and semetimes two hours in the afternoon. It was entirely impossible to discuss a report on the entire huge business complex of Farben. It was impossible to inform the Verstand wenders of fall the business events during the preceding two months. Resulting from that only a short and concise survey could be made during Verstand meetings about current important events in the entire business. Moreover, the extent, of such reports was left to the discretion of the individual members.

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Q How about the taking of a vote during Vorstand meetings, was there over a taking of vote in that sense of the word?

A Voting never took place during Vorstand meetings not even during those meetings I attended before 1938 as a guest. What had been discussed by the Tka or the committees was usually accepted without any further discussion. A short report was heard and then one went over to the next point in the agenda. One must not everlock that up to 1936 the TEA mostings proceding the Vorstand mostings were attended by all ... the important Verstand members, including these belonging to the administrative cruncil. Mearly all of them were there so that it was not necessary to discuss these subjects once more. For the large emjority of those people present in the Verstund it would make meant a repetition. That is why it was possible we make only very brief and very conciser-ports in the Verstand. Such pembers of the Verstand who did not belong to the Tea, that is to say mainly commercial members, really would not have been in a position to judge such credits, but they knew that their interests lay in competent hands and they also know that Geheimrat Schmitz always attended TEA meetings and that he represented the financial interests of the enterprise and in that capacity supervises such matters.

DR. VON METELER: Your Honors, I offer now another document. This is Haefliger Decement No. 20 which your Heners will find in Book I, on . Page 42, and which I offer in evidence as haefliger Defense Exhibit

13. This is an affidavit of Karl von "cider in which the affiant describes the manner in which matters were reported in the meetings of the Chema and Verstand. "c states that these reports were extremely concise and did not go into details.

MR. SPRECHER: Mr. President, I would like to have you put a sequestion mark beside that particular affidavit. I don't think that there is any foundation for Marl von Meider telking about what happened in the Vorstand because there has never been any showing that he ever attended a meeting.

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THE JRESTOWN: Very well, we will make that note.

DR. Wall HETZLER: But may I make a brief observation on this subject. 4r. President?

TID. PRESIDENT: Yes, you may.

DR. WW : ENZUP: Karl von heider was informed about the meetings of the Verstand because he was in close touch not only with Mr. Haefliger but also with Weber-Andreae who was the leader of Verkaufsgemeinschaft Chemikalien, and he prepared for Weber-Andreae these meetings and the reports which he made in these meetings. Therefore, I think he is in a position to judge about the reports in the Verstand meetings.

Q (My Dr. von Metzler): Having explained those matters to us, would you once : more briefly summarize what the actual limitation of responsibility within Farban was?

A In view of the tremendous size of Farben and considering that every mamber of the Verstand relied upon and always could rely upon the fact that all important matters would be dealt with by the responsible expert sub-co-missions and sub-cricles and that they would carefully considered and discussed there, a division of responsibility among the Verstand rembers had to take place and actually did.

examination, and I shall now turn to the individual counts of the indictment. First I shall deal with Count I. In this connection let me take
out a few of the charge of the Prosecution and discuss them with you.
The Prosecution's Exhibit 28, Book III, English Page 9, German age 20,
a visit of the defendants Buetefish and Gattineau at Hitler's place
in November 1932, and where questions of synthetic gaseline were alledgedly discussed, which, in the opinion of the Prosecution, formed the
basis of Parben's alliance with Hitler as alleged. Did you know
anything about that meeting?

A I heard here, through the indictment for the first time about this repeatedly discussed visit. Gattineau was unknown to me at the time... 15 Mar. 46-44-7J-5-4-Hoxsie-Court 6 case 6

I only heard of Buetefish's name. I knew nothing about the part which these two gentlemen are supp sed to have played in the NSDAP with the field of coal hydrogenation and gaining of sythetic gaseline. I was never concerned and I had no contact with such fields.

Q The presecution's Exhibit 37, Document Book III, English Page 6h, German Pego 89, a mosting of leading German industrialists with Hitler on the 20th of February, 1933 and discussed in the house of Goering in which the defendant von Schnitzler allegedly participated, do you know anything about that meeting?

A i heard about that meeting for the first time here through the indictment.

Q Exhibit 56 of the Prosecution, Document Book III, E nglish Page 112, German Page 122, a contribution of Farbon totalling 400,000 marks is quoted the result of that meeting. Did you know anything about that contribution?

A No, this contribution was unknown to me. The central counittee was the agency dealing with contributions. I think it has been clarified since what the actual significance of that contribution was.

Q Since we are now discussing contributions did you have anything to do with all these contributions made by Farben in which the Prosocution is so interested?

A No, I had nothing to do with them.

Q if I may put the question in this connection, did you know that the defendant Puetefish belonged to the so-called circle of friends of Himmler?

A No, I only learned here in Nurrnberg about the existence of such a circle of friends.

Q Mr. Haefliger, did you know about the contructions of special stand-by plants for the production of temporal as it is alleged under Paragraph 17 of the indictment? 15 Mar.ho-M-CJ-5-5-H xxsic-Court 6 case 6

A I only heard much later about the order to erect such a magnesium plant in achen, an order which was issued by the Aviation Ministry,
in 1933. I only heard about it in 1935. When I learned about that
subsequently I considered this a measure which was to alleviate unemplayment. That was something which was endeavered in ediately after
1933.

Q -ot me interupt, Mr. Haefliger. Did you entertain the thought that has enything to do with the re-empment of Germany?

.. Certainly, but I really wasn't very much aware of that. I thought that the building of highways would bring about of necessity an increased demand of light metals for the building of mot r cars. Already in 1930 or 1931 I considered that of the demand for light netals would increase and in view of the technical program which was expected the light metal field was very important. In addition, of course, there was a considerable expansion of civilian aviation. I don't know what the authorities at the time thought about re-armament plans. Naturally I nover connected this plant not another plant which was later built at Steatsfurt, with any aggressive thoughts. Magnesium netal in Germany was to a large extent used as a substitute for aluminum. It was in a better position than aluminium because raw material could be found in the country itself, whereas bauxite had to be imported for the production of aluminus. Because of scarcity of the foreign exchange aluminus had to substitute copper so that accordingly there had to be considerable expansion of the production depacities.

- o. Mr. Hasfliger, let me now ask you whather you were informed at the time about the so-called mobernd war games which are mentioned under Paragraph 17 of the indictment.
  - A. No, I only heard about it here in Nurnberg.
- 2. Mr. Haefliger, in the first pertof your examination you already mantioned that associates of the sales combine chamicals, in view of your Swiss nationality, did not inform you about certain natters which had to be kept secret in view of the regulations existing concerning the maintenance of secreey. Let me therefore ask you very briefly what your knowledge was about the production for military purposes?
- A. I think I already testified on that point. I pointed out that the severe regulations for the maintenance of secreey applied to me insofar as associates in the sales combine chemicals at Frankfurt found themselves in an obvious delemma in their relationship to me.
- Q. Lat me interrupt you. You dealt with that at great length, and there is no need to repeat it. Wasn't there another circumstance added to that which brought it about that you weren't informed about these matters currently?
- A. Naturally I was separated from current business matters because my job lay mainly abroad and consequently I was frequently absent from Frankfurt. Naturally I was not in a position to keep up with current affairs and really wasn't very interested. With respect to current business I only asked my departmental head to inform my whomever it became necessary in order that I may have sufficient information for the attendance of these international commissions and conventions.

- n. Mr. Heafliger, didn't you have any misgivings when the production expectty of I. G. Farben was expanded, particularly in the field of bune and gasoline?
- A. Naturally I heard about such expansion, but it was always my impression that these production expansions were in connection with the cim of the government which was again and again publicated, namely to form an independent German sconomy in view of the searcity of foreign expansion. Maturally I never thought and I never connected these expansions with the properction for an aggressive wer.
- Q. Didn't you think when military conscription was re-introduced in 1935, that there was an indication of rearmament of Germany?
- A. No, I considered the re-introduction of military conscription a means for the improvement of Germany's international position. I considered this a prorequisite for the carrying out of an active peaceful foreign policy, as this holds true for all countries. I also considered it a safeguard of Germany against attacks from the outside.

Well, that is what I thought. What after all, does an increase of the gasoline production by 100,000 tons mann?

I know the statistics, and I am sure at that time that consumption in the United States was over 40 million tons. Claveland, or any bigger city in the United States alone consumed 400,000 tons. What would be the sense of building a huge not of highways and then not be able to use it because of scarcity of rubber? One thing was clear, because of the difficulties in trade, foreign exchange was difficult to obtain. It couldn't get them in sufficient

quantities in spits of the increased export, to meet our increasing damend by import. But what is the use of cheap rubbar abroad if you can't buy it? It is much better to produce your own rubber yourself from your own indigenous raw materials even if it is a little more expensive. Theinersass in price really was not very noticeable and in addition synthetic rubber showed that it would stand far more than natural rubber. These were normal and quite sensible considerations which would make sanse to even a layman and which could not possibly have lead to the thought that there were any intentions of aggressive war. Particularly man of industry cannot be charged with having been bitterly acceived by Hitler's intentions. Thuse man could not be impressed by purely statistical charts about stocks and reserves. Laymon may have considered them as being considerable, and perhaps laymen still consider them to be very high as the indictment shows. Industrially, however, it would well have been what ther actual significance was in view of the entire population.

THE PRESIDENT: The Tribunel will at this time rise for its morning racess.

(A racess was taken.)

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THE MARSHAL: The Tribunal is again in session.

BY DR. VON METZLER:

- Q. Mr. Haefliger, I should now like to ask you a few questions regarding the syncronization of the activity of farbon with the military plans of the German high commond which is alleged by the Prosecution.

  What do you know in this connection about the origin of the task of the Vermittlungsstelle W?
- A. As a commercial men I never had anything to do with this office. The technical management of Farbon had created this office for its own purposes. As for the role which this auxiliary department was to play, I hardly believe I need explain it. It has already been discussed and explained here repeatedly.
- Q. Mr. Haefliger, what about your knowledge of mobilization plens and orders?
- A. In September 1939 I was completely surprised by the mobilization plant. The technical mobilization plans were unknown to me as a commercial man.
- Q. Were not such mobilization plans the subject of conferences with the KA or Chara?
- A. No. As far as the KA discussed mobilization plans, it was only the release of commercial personnel, having them deferred from military service. As for production mobilization plans they were not discussed either in the KA or in the Chema. At any rate, I personally know nothing of any such discussions.
- Q. Mr. Haefliger, in this connection I shall put to you Prosecution Exhibit 105, Document Book V. English page 105, German page 115.

  The affiant Ehrmann has in the last paragraph mentioned your name in connection with negotiations by representatives of Farbon with the Reich Office for Chemistry about questions in defense economy and in connection with setting up mobilization plans before the outbreak of war. What do you have to say about that?

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A. This assertion of the affidat Ehrmann is a mistake. I did not attend any such negotiations. I believe I can recall that when Mr.. Ehrmann was questioned he answered to this effect.

DR. VON METZIER: I offer now in evidence Haefliger Document
No. 21 which your Honors will find in Book I on page 59. I beg your
pardon -- 49; and which may go in as Haefliger Exhibit No. 14. This is
an affidavit of Bodo Schaef, former titular director of the Verkaufsgemsinschaft Combine Chemickalien, corroborating this statement which
the defendant just now mede.

- Q. Mr. Haefliger, did you not have to conclude from the increased tempo of German armament that the purpose of armament could only be a war of aggression?
- A. No. If you speak of an increased tempo, I believe this presumes knowledge of the overall rearmament program. I had no such knowledge. I can only repeat that from my knowledge I could never conclude and I never did conclude that the purpose of rearmament could be war of aggression. I considered the international situation tense but I always believe that this amament had a purely defensive character to ward off attacks which were feared, as the German public was repeatedly told, especially in Hitler's speeches and by other leading Nazis.
- Q. Mr. Hnefliger, did you attend the meeting of the 17th of
  December 1936 mentioned under paragraph 28 of the indictment or did you
  hear anything about this meeting leter? This is the one on the speech
  of Goering.
- A. No. I did not hear anything about this meeting except what appeared in the newspapers.
- Q. Mr. Heefliger, what is your knowledge of the so-called Krauch Plan? What idea did you have about that?
- A. The term, "Krauch Plan," I recall having heard in conversation.

  I did not learn any details. I assumed that it was a gasoline program.
  - Q. Mr. Haefliger, in the indictment under No. 34 it is said

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that all the defendants had key position in German government offices and agancies which worked on the mobilization of Germany for war. Did you personally hold any key positions?

- A. No. I never hold any such positions.
- Q. Did you nover belong to an economic group or sub-group? "ere you nover in charge of such a group?
  - A. No.
- Q. Mr. Haefliger, as you have told the Tribunal, you were often abroad. Did you not have contact there with the so-called foreign organization of the MSDAP or other agencies of the MSDAP abroad?
- A. No. The foreign organization of the NSDAP I had no interest
- of the Nazi war machine for aggressive war; under No. 41 of the indictment, the production of light metals is undertaken, especially magnesium and magnesium alloys for airplane construction. An increase in magnesium production between 1930 and 1942 by over 4,000% is mentioned and aluminum production by over 1,300%. Since you were acquainted with light metal developments, please tell us whether this increase of production indicated to you in any way preparations for a war of aggression.
- A. No. I have already spoken about this in connection with rearmament. Therefore, I believe I need not go into it in any detail. Dr. Buergin has moreover spoken rather thoroughly on this subject but I should like to say something about the statistics given in the indictment. Quite generally, using relative figures and not concrete figures, one can prove anything. In the present case the Presecution is starting with the depth of depression where magnesium production was probably considerably below 1,000 tons a year and Farban's participation in the aluminum production would have been about 1800 tons. Magnesium production was at that time using about a quarter of the available capacity; aluminum, less than one-half. This explains this astronomical

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increase. Starting at the same point for emerican magnesium and aluminum production, one can record an increase by 20,000% in magnesium and 1,500% in aluminum, but these are just genes with statistics.

- . Mr. Hacfliger, was this Farben's full aluminum production?
- A. No, as I said, aluminum production was always half Farbon and helf motellgeschlacheft, aluminumworke Bitterfeld, GmBH.
- . h t was the magnesium under ditterfeld-Farbon at the end of the war?
- a. ..s I recall it, it totalled about 25,000 tons of magnesium and 40,000 of aluminum. This latter was together with Actallgesellschaft about 20 or 24 thousand tons for Farbon. That is aluminum.
- 7. How many tens of light metals , magnesium and aluminant together were produced by Farben at the end of the war?
  - n. .. proximately 50,000 tons.
- . Can you tell the Tribunal what share of German total production this was?
  - A. Slightly loss than one-sixth.
- DR. von ETZLER: I offer in evidence now, Your Honors, enother document. This is heefligher Document Ho. 22, which Your Monors till find in Book 1, on page 51, and which may go in as Haefligher Defense . Exhibit No. 15. This is an affidavit of Otto Dessoff, former manager of the firm .luminum Verkaufsgezellschaft, GmBH, dealing with the .luminum production in Germany, during the years 1930 up to 1940, and to reasons for the increase of this production in those years.
  - . Mr. Haefligher, in connection with what you have just said, I should like to ask whether you can give us any information about the comparative figures of the light metal production in the United States at the end of the war?
  - A. I estimate one and one-half to the million tons of aluminum, and about 250 thousand tons of magnesium.
  - i. in . H. ofligher, I now come, very briefly, to another subject, under No. 42 of the Indictment, - the development of the alleged development of poison gas by Ferban as achtioned. Did you know anything about that?
    - A. No, I know nothing about poison gas research in Farbon. I did 9118

know, however, that after the first world ter Farben refused to participate in research and production of poison gas.

- The Prosecution Exhibit 744, which I shall put to you, document Book 40, English page 42, Garman page 54, anothis made of the production of incontain bombshells and 1 rgc quantities of chemicals for us and others. Do you know anything about that?
- it was in 196, I berned that Farben was producing such shells. I was not informed about the size of this order, however.
- to the fligher, Inov come to the alleged collabor tion on our partin connection with nickel, the alleged properation of a ver of aggression. I shall put to you Exhibit 724 of the Prosecution, Document Book 39, English page 45, German page 79, as well as Prosecution's Exhibit 725, Document Book 39, English page 47, German page 53. Do you have these exhibits before you?
  - A. Yes.
- . 'ould you placed comment on these charges , are is ofligher?
  Placed give anexplanation of it.
  - A. "oll, I read this affidevit with you . few days ago.
- 1. Ir. Heefligher, you want to refer to the effidavit which you are about to introduce?
  - .. Yos, that's right.
- tails, you are introducing an affid wit in which you sum up this document now in evidence, Haefligher Document No. 25, which Your Honors will find in Book 2, on page 32, and which may go in as Haefligher Exhibit No. 17,-oh, I beg your parden, 16. This is an affidavit of the defendant which in Part 1, contains an extract from a report which will be offered in evidence as one of the following Haefliger documents, and which is part 2 is dualing with several Prosecution exhibits, namely 725, 74, 722, 693, 726 and 726.

THE COURT: Doctor, you had better repeat.

DR. von LTZL.R: 725, 724, 721,722,683,726 and 728.

The defendant testifies that the report introduced by the Prosecution as their bubble 725, regarding the policy of the nickel trust, his been overeach sixed and that in this report the extremely valuable services in return rendered by I.G. and consisting in the supply of technical experiences in this field to the Mickel trust, have been suppressed on purpose in this report.

It is furthermore stated that the building up of a strategical nickel reserve, is corresponding to the measures taken in all countries before the outbreak of the ter and that the Garman nickel stockpiles when compared with the normal consumption of nickel, were quite moderate.

Facilither furthermore testifies on the tremendous stockpiling of nickel in Great Britain, a fact which did not prevent I.G. from justing at the disposal of the Word Nickel Company, London, up to the last days before the outbreak of the war, their technical experiences in this field.

I am offering in evidence, Hatfliger Document No. 23, which Your Honors will find in Book 2, on page 1, and which may go in as Maefliger Exhibit No. 17. This is an affidavit of Clemens Brendel, former director in the Loyal Department of the I.G. Ferben Plant, Ludwigshaven. .. weeched to this affidavit is a copy of a report which the affiant and the defendant made on 11 July 1946 upon request of I.G.'s control office, on the agreement which existed between I.G. on the one part and and Mickel Company, Ltd., London, and the International Mickel company of Toronte, Canada, on the other part.

In this report the negotiations between these companies are dealt with and the amount of additional special stocks of nickel mat supplied by the aforementioned companies to I.G. are discussed also in this report. It is stated that at the outbreak of the var in Germany there was available a stock of nickel, including those special additional stocks, which did not suffice for a period exceeding five menths.

It is stated furthermore, that I.G. had made available to lond macked Company and International Nickel Company, valuable experiences reliting to the production and processing of nickel, even in the last days before the outbreak of the war.

The report shows the extremely friendly ecoperation which existed between the just mention d three companies until the outbreak of the war.

Your Feners, I offer next in evidence Haefliger Document No. 24, which Your Honors will find in Book 2 on page 30 and which may go in as Haefliger Exhibit 18. This is an afficient of Clemens Brendel, one of the authors of the just mentioned report, on the missing exhibits to this report.

I offer next in evidence, Your Honors, Haefliger Document 26, which Your Honors will find in Book 2, on page 68, and which may go in as Haefliger Exhibit 19. This is an affile vit of walter Schubardt, former chemist in the I.G. Plant, Oppsu, on the annual production of michel in this plant.

I clier next in evidence, Haefliger Decument No. 27, which your Honors will find in Book 2, on page 71, and which may go in as Haefliger's Exhibit No. 20. This is an affidavit of Ico Schlecht, former chanist in the I.G. Plant of Oppau, who is testifying on the friendly and level ecoperation between I.G. and Nord Nieucel, Iondon, and International Nickel Company of Canada, Toronto, and on the making available to these companies, by I.G., of extremely valuable experiences relating to the production of nickel powder.

The affiant furthermore testifies that the stock of nickel in Germany which was available at the outbreak of the war, amounted to 2,124 tens, and did not suffice for a period exceeding five months.

I offer next in evidence Haefliger Document 28, which Your Honors will find in Book 2, on page 80, and which may go in as Haefliger Exhibit No. 21. This is an affidavit of Dr. Alfred Petersen, now President of the Chamber of Commerce at Frankfurt, who is testifying on the necessity of stockpiling nickel raw materials for the purpose of producing nickel metals. The affiant states that such stockpiling was a matter of economic foresignt, regardless of all considerations of war or rearmament.

- Q. Mr. Haefliger, among the documents which I have just introduced, there is an affidevit of Mr. Lee Schlecht, dealing with the quantity of nickel stocks available in Germany before the war. He says that this supply would have lasted for about 5 months only. That sort of supplies does this refer to?
- A. This can only refer to the requirements of I.G. Farben in the nickel factory for the capacity of this factory was about 4,500 tons of nickel pur year, so that a supply of 2,140 tons, as Mr. Schlacht states, with a deduction of 10 per cent loss in precessing, makes about 1800 tons. That amounts to exactly five months, referring to requirements of Farben, but if you compare this supply with the total requirements of Germany, then I believe it is only barely two months! supply, perhaps less.
- Q. Thank you. I have an affidavit of yours on the whole nicell situation. I have introduced this as Exhibit 16. Do you have anything to add or change in this affidavit?
  - A. Yos, on pages 21 and 22 of my affidavit, No. 2 -
- Q. Excuse me if I interrupt you. That is on the English pages 52 and 53, of the Document Book. Please continue, Mr. Haefliger.
- A. I have given some ostimated figures about the imports of nickel to England in the form of ore concentrated and mat. I should like t correct these figures for concentrate and mat. The figures given for 137

138, on page 52, 26,244 tons, and 27,133 tons, are probably too high. The ore also contains other metals, for example, copper, and also traces of precious metals. In order not to give the figures too high, I should like to divide them in half, 13,122 for 1937 and 13,566 tons in 1938.

Then the figures for the total imports of England, on page 19 at the top, that is page, -- I am sorry, I do not know the English page.

- Q. That is page 53 of the English Document Book.
- A. This figure should read, 1936, 11,339 tons nickel content; 1937, 33,939, and 1938, 34,055 tons. Consequently the nickel reserves of England, existing in 1937, instead of being approximately 37,000 tons of nickel concentrate should be about 24,000 tons.
  - Q. Otherwise are there changes to make in your affidavit?
  - A. No.
- Q. I now go on to another subject. The Prosecution alleges that the potential enemies of Germany were weakened by Farben. On No. 50 of the indictment, it says that the become policy of the National Socialism and of Farben, was aimed at strengthening the German Mehrmacht against all other countries, including the United States, and to weaken the economic strength of these countries. Mr. Haefliger, in your special field, International Conventions in the heavy chemicals field, you had constant touch with other countries. Now I ask you, in this activity were you over led by such ideas, or did you ever do anything to this effect which might have been interpreted as weakening the potential enemies of Germany?
- A. No, never. The Conventions which I handled ward primarily ones which had existed long before 1935. In part they were already in existence in 1900. These Conventions were for the purpose of regulating the market and keeping prices stable in the interests of the consumer, too.
- Q. Would you please, in order to give the Tribunal a cher picture, describe the Conventions from the heavy chemicals which you were in charge of, briefly?

A. The Sulphate Convention, English, French and Delgian and later the Children group participating; the Potassium Convention, French, Swedish, Italian and Swiss participation; also the Dichromato Convention, English, French, Belgian and Italian Group. In 1934 Russia joined this Convention, too, not as a member but by virtue of a special agreement.

The Phosphorus Convention was Swodish, English and French
participation. The Sulphur Natrium Convention was English, Swedish and
Bulgian participation. The Forro-Wolfran Convention was English and
French participation, the incondiary metal convention with Austria and
several others.

- Q. Mr. Haefliger, if I understood you correctly to say that in all of these Conventions, there was also German participation under Farben leadership?
  - A. Yos.
- Q. Mr. Haefliger, would you please briefly describe to the Tribunal the special circumstances in the heavy chemical sector for the establishment of Conventions?
- A. The Conventions which I have mentioned are divided according to products. These products are produced in almost all industrial countries. The technique of production is generally known. It is a well-known fact that when production capacity in this field is fully exploited, the production can be very cheap, so there is always the danger that the manufacturers would attempt to dispose of their surplus products at very low prices. This, of necessity, leads to intermitional agreement which, as I said, had existed for decades. The Conventions were, as a rule of short duration, usually one year, in order to be able to adapt than to the existing market conditions.

These Chemical Conventions brought with them price stabilization, which was desirable for the consumer too, especially since it was known that price fixing was always appropriate and never extreme.

Q What was the significance of these conventions within the over-all framework of the cartel system of Farben?

A Most of these short term agreements were considered as current business and therefore were quite unimportant as compared with the big Farben cartels.

Q lir. Haefliger, in what spirit were the negotiations for these conventions carried out, as far as you were present?

- A Purely business and fair understanding.
- Q What questions were dealt with primarily in these conventions?
- A Mostly adjusting the amount of deliveries of the various members. The calculations were made by a confidential person. Also the doing away with difficulties which often existed with one partner or another. The representatives wanted to sell their product because they lived on commissions, and this often brought about difficulties not among the manufacturers but among the agents who had to be taken care of in some way at such meetings so that everyone was satisfied.

Then of course prices were discussed and something that was very important: outside questions that always came up, that is, competition which was felt, and underbidding.

Q These negotiations which you have just mentioned - were political matters ever brought up for discussion or did political considerations have any influence on the course of the negotiations?

A No, certainly not. We weren't political people; we were commercial people.

Q Was this not changed after 1933?

A Mr: after 1933 too the negotiations were held in the spirit which I have described. We went on the principle of "Lusiness as usual." The change in the German government was a fact which we accepted, which we took into the bargain. If any difficulties arose, we had to overcome them. We wanted to go on with our business as it had always been; nothing else, just as if a new protective tarrif came in another country. We

had to manage to adapt ourselves to it, find a way out, or send the goods to someplace else. Those were the difficulties which of course become greater and greater.

Q Mr. Maefliger, if I may ask you, did you take advantage of these conventions associations perhaps in order to increase Germany military strength at the cost of other countries, the countries which later became Germany's enemies? Or perhaps in order to carry on Mazi propoganda abroad?

A Mo, that is quite out of the question.

Q Did you observe any such attempts by other Germans present at these negotiations?

A No; if I had noticed any such thing, such tactlessness, I certainly would have stopped it immediately.

Q After 1933 were these conventions always renewed in the same way when they ran out?

A Yes, nothing was changed. This fact is the best proof that
Farben did not attempt to push the foreign firms to the wall and weaken
foreign strength, as has been alleged here, because if Farben had intended this she could have stopped these conventions and begun a price
war to achieve as great an export as possible. The few temporary cases
of dissension which I observed in almost thirty years were never by
Farben. Farben was always interested in keeping peace and compromising.

Q lir. Haefliger, after 1933, aside from the old conventions which were renewed, were there any new conventions in which Farben participated in your sector?

A Yes. This is again proof of the fact that Farben's policy was dictated by business considerations.

DR. VON HETZLER (Counsel for defendant Haefliger):

Some more Haefliger documents. The first document is Haefliger Document No. 29, which your Honors will find in Book 3, on page 1, and which may go in as Haefliger Defense Exhibit No. 22. This is an affidavit of James Fairlie, of Watling Lodge, Falkirk, Scotland, Chairman

of Messrs. John and James White, Ltd., Chemical manufacturers, Shawfield Works, Rutherglen, Scotland. The affiant testifies on the internation convention regarding the bichrome industry to which the following countries were parties: U.S.A., Great Britian, Germany, France, and
Belgium. The witness testifies that the defendant Haefliger attended
several meetings of this convention as a representative of I. G. Farben.
The witness, who himself was present at various conferences in which the
terms of the convention were discussed from time to time, testifies that
the convention was initiated and operated entirely for commercial reasons
and that no question of international policies ever arose. He states that
these conferences were purely business meetings attended by businessmen
with no thought of international affairs, except from the angle of securing a fair distribution of raw materials and bichrome production.

As to the attitude supplied by the defendant Haefliger on these occasions, the witness testifies, I may quote:

"I remember that Mr. Haefliger attended some of these conferences as a representative of I. G. Farben. I have no hesitation in stating that he made no attempt to introduce any politics or propoganda and I cannot find in my contracts with him any indication that he was interested in Mazi or German propoganda. No such attempts would have been tolerated by me nor, I think, by any other member of the convention."

The affiant concludes his statement by saying that all parties over a long period of years were satisfied with the working of the convention and with the general attitude adopted by the various companies.

I offer next in evidence Haefliger Document No. 30, which your Honors will find in Book 3, on page 4, and which may go in as Haefliger Exhibit No. 23. This is an affidavit by Aleck Bevan Hutton Wilson, of Stourpaine Manor, Blandford Dorset, Chairman of the Egglesclif Co., Ltd., Eaglescliff, County Durham. The affiant who had known the defendant since 1932 corroborates the statement of the affiant James Fairlie.

I offer next in evidence Document No. 31, which your Honors will find in Book 3, on page 5, and which may go in as Haefliger Exhibit No. 24.

This is an affidavit of Kenneth Henry Wilson of Park Hall Kiderminster, chairman of the Messrs. Albright & Wilson Ltd., chemical manufactures of Oldbury, England. The affiant testifies on the international phosphorus convention, of which I. G. was a party. He states that this convention was initiated and operated for purely commercial reasons and that no question of international policies was ever discussed at the meetings of this convention. He states that especially the defendant as a representative of I. G. never made any Mazi propoganda or attempted to gather strategical information about British and foreign industries in this field. He goes on to say that Haefliger's attitude did not change after 1933.

I am offering next in evidence four documents which are affidavits of former Farben employees working under the defendant Haefliger in the field of international conventions. All four affiants corroborate the statement of the three just mentioned non-German affiants regarding the attitude of I. G. in general and of Haefliger in particular displayed in the field of conventions, other than those touched by the non-German affiants.

I offer in evidence Document No. 32, which your Honors will find in Book 3, on page 8, and which may go in as Haefliger Exhibit 25. This is an affidavit of Wilhelm Kemp, former titulary director in the Verkausgemeinschaft Chemikalien.

I offer next in evidence Haefliger Document No. 33, which you will find in Book 3, on page 15, and which I offer in evidence as Haefliger Exhibit No. 26. This is an affidavit of Bodo Schaaf, former titulary director in the Verkaufsgemeinschaft Chemikalien.

I offer next in evidence Haefliger Document No. 34, which your Honors will find in Book 3, on page 19, and which may go in as Haefliger Exhibit No. 27. This is an affidavit of Walter Auw, former Porkurist in the Verkaufsgemeinschaft Chemikalien. The affiant testifies on the political attitude of Haefliger, and he states, I may quote a rather significent sentence from his affidavit:

"I can testify especially that Herr Paul Haefliger never indulged in National Socialist propoganda either in correspondence or verbal
negotiations. Herr Haefliger was too much of a cosmopolitan to be
affected by Nazi ideology. The ideal which he envisaged to the end was
rather the union of Europe in a federal state, following the American
pattern. I remember that on several occasions he advocated the idea of
a unified Europe in private talks with foreign partners and also with
people of his own country, and regretted that we were moving farther and
farther away from the realization of this idea."

I offer next in evidence Haefliger Document 35, which your Honors will find in Book 3, on page 25, and which may go in as Haefliger Exhibit No. 28. This is an affidavit of Wilhelm Schneider, former Prokurist in the Verkaufsgemeinschaft Chemikalien, corroborating the aforementioned statements.

## BY DR. VON LETZLER:

Q Mr. Haefliger, I should like to ask you a question in this connection about the licensing and opening of the most modern magnesium
factories by Farben in England and France in 193h to 136. These countries were made completely independent of Germany. When I say "independent" I mean in the subsequent term of course, after the factories
had gone into operation.

Do you know anything about English customs policy after the establishment of these new factories?

A Yes, I recall that after the magnesium factory was opened in England, a high protective tarrif was put on the importation of magnesium, at least a high tarrif. It also affected American exports to England.

- onstruction and operation of the new magnesium fac tory in England and France?
- A. Yes; I know that mitterfuld men went to England about this time to build and open the mangesium plant. The Bitterfuld management supplied its most modern achievements and experience.
- q. In what year was that, Mr. Hasfliger, that these Bitterfold men went to England?
  - A. iftar 1933.
  - Q. You can't remember the years?
- A. The factory in England was started in '35 or
- Q. Now, did Farbon have any financial interest in these new magnesium factories in England and France?
- A. Yes. It owned the English plant together with Imparial Chamistrias and the Frank Hughes Company. I beliava Farban owned about thirty percent. Not the Franch factory; there was maraly a licence payment in this case.
- q. Thus, Mr. Haefliger, we have arrived at the field of magnesium policy of Ferben abroad, specifically in the United States. In order not to overburden the examination with technical details I shall not ask you anything further about this point, but I shall introduce an affidavit of yours where you deal with this whole question.
- DR. VON METZLER: I offer now in swidence Hasfliger
  Document No. 36, which your Honors will find in Book 3, on
  page 30, and which may go in as Haefliger Exhibit No. 29.
  This is an affidavit of the testimony on the magnesium policy
  pursued by I. G. abread, in particular in the United States,
  England and France. The defendant testifies that the

by the desire to introduce magnesium throughout the world on as wide a basis as possible.

The defendant states in particular that the generous way in which I. G. had made available their experience in this field had placed England in a position, by creeting a magnesium plant of its own, to make herself independent of foreign supplies as from 1937.

As to the United States, the defendant describes the great difficulties which I. G. encountered in view of the circumstances in the United States in this field, in particular as far as the destinating position of the aluminum industry is concerned.

hapfliger tostifies on the various negotiations and attempts by I. G. to introduce the magnesium production and its processing in the United States on as broad abasis as possible. He states that the magnesium policy of I. G. in the United States never cimed at the hampering, but on the contrary at the furthering of the magnesium production.

BY DR. VON METZLER:

- Q. Mr. Hasfliger, I have just introduced your offidavit, Exhibit 29, about Farbeats magnesium policy. Do you have any additions or corrections to make to this affidavit?
- A. No, the affidavit corresponds to the state of affairs as I recall it.
- O. Mr. Hasfliger, you have already given the Tribunal on example about Farben's decommic policy toward other countries, indicating that Farben had no inhibitions against giving magnesium licences abroad until shortly before the war, even though magnesium was a vital war material, and

no objections to giving any emperiones to England, France, and the United States about magnesium.

Can you give us any other examples of this attitude of Farban's toward other countries in other fields in which you worked?

A. Yas, I could give the Tribunal a particularly striking example, the licencing of the nickel process, which is also an essential war material, the licence given to England.

On the basis of the agreement with Mond Wickel Company, London, Farban had declared itself willing to build a factory at Clydach, Walas, for the production of nickal according to its now nickal carbonils process. For this purpose Farban had, to take the complete blueprints and the details for the construction of this factory, and at the request of the Mond Mickel Company, in 1938 and 1939, spicial apparatus was made available which, because of the stabl shortage in England, could not be obtained in time. Also, at the beginning of .ugust, 1939, only a few works bafors the outbreak of war, Farban sent one of its experts in this field, Dr. Otto Buddenberg, to England to start the distillation factory at Olydach operating. Dr. Buddenborg did this work, and on the 24th of Lugust, 1939, the distillation factory was turned over to the Mond Nickel Company, ready for operation. He left England with one of the last planes shortly before England declared war. Farban raccivad no financial compensation for this important knowledgs.

In the summer of 1939 it had been agreed that a suitable licence would be set on a friendly basis after the

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new plant at Clydach had been operating for a year or longer, and the reduction of prices by the Farben process had been established. Actually, we had confidence that we would be able to reach a fair agreement for remuneration.

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Q. Your Honors, I offer now in evidence Hasfliger Decument No.

37 which Your Honors will find in Book III on Page 47 and hich may go in as Hasfliger Exhibit No. 30. This is an affidavit by the just mentioned Dr. Otto Buddenberg, former chemist at Oppeu Flant at I.G. The affiant testified about the attitude adopted by I. G. with regard to the erection of a new nickel plant at Clydach, England, which was the result of negotiations between I. G., the International Nickel Company of Canada, and Mond Nickel Company, London. He testifies that I. G. fully supported the English and Canadian companies with respect to the building of those plants at Clydach and seeing them working. He declares that he, himself, was in Clydach for said purpose until a few days before the outbreak of the war in order to put the new plant into operation.

Mr. Haafliger, in conclusion of this chapter, please give us a final example of how Parbon, right up to the outbreak of war, gave its experience to foreign countries in important vital war fields without reservation. Can you give me a final example?

- A. Yos. From my field of work, I can't do it for all of Farben.
- Q. Wo. Please restrict yourself to your own field.
- A. In November 1937, there was an agreement with Mensante Chemical Company of St. Louis at Mensante's request. Negotiations were introduced for licensing a very important factory in the Tennessee Valley since the process for the production of phospherous and phospheric acid did not function. In 1938, these negotiations were concluded and the Bitterfold expert in this field, Dr. Ritter, went to St. Louis and was able to do away with the difficulties in a short time. Thus Farbon made a very important contribution to the frictionless production of an important war production, phospherus, by the Mensante Chemical Company in the United States. This production was very large. As far as I recall, it was about 40,000 tens a year at that time. We had been thinking of the production of phospheric acid for fortilizers and prodominately for new detergents, Neither we not, I am sure, Mensante were thinking of war.

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- Q. Mr. Hasfilger, did the exchange of experiences with Monsanto, which you mentioned, did it continue until the outbreck of the war?
- A. Yes, as I haard later the exchange of experiences after the plant of Tennesses went into operation was continued in writing even after the outbroak of war in 1933....
  - Q. You moen 1939.
- A. ....via Switzerland. "e were convinced that there would be no war with the United States.
- Q. Your Honors, I offer next in evidence Heefliger Decement No. 38 which Your Honors will find in Book III on Page 50 and which may go in as Haefliger Defense Exhibit No. 31. This is an affidavit by Dr. Friedrich Ritter, former chemist at the Piesteritz plant of I. G. He testifies that I. G. had, without any reserve, placed their experience in the phosphorous field at the disposal of the Monsanto Chemical Company. United States. This resulted in the removing of certain difficulties which had cropped up at the American plant. The affiant goes on to say that this exchange of experiences continued even after the outbreak of the war irrespective of the fact that phosphorus was being used later on for war purposes.
- Q. Mr. Heafliger, as you have already said, in 1937 you were in the United States twice for rather long stays. Did these trips have anything to do with licensing of vital war materials?
- A. May I be allowed to make the following remarks in English because I should like to just give a few words about scheme to which I have devoted much labor and many years in the U.S.A.?

THE PRESIDENT: You may do that.

THE TIMESS: It is the question about quite an important scheme for the production of chlorate of soda which has occupied me in the United States from even before 1933 on several occasions. Chlorate of soda is a very excellent and cheap material for week killing, or to express myself, for credication of permicious weed, and it is used mostly

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for the cleansing of railroad tracks, we had been in touch on this field which we developed from 1928 enwards with avery expert american firm, the Chipman Chemical Company in New York. The requirements increased very fast and Chipman used to cover his requirements from the only manufacturer in the U.S.A., the Niegara Alkali Company. But they had not amough production to cover the increasing demand and could not extend their production in Niegare because the electric current which had to be very cheap for this product was not available in sufficient quantities any more. So Chipman came over to Europe and he used to buy from year to year his increasing quantities of chlorate of sode with the I. G. and with the French manufacturers.

Now Chipman, who developed into quite an expert -- I might say perhaps the best expert in the world for weed eradication -- had the idea to introduce this medium also in agriculture and he expected therefore a very big increase. So he approached us in 1937 for the third time to go together with him or to give him the license for an American Company to produce chlorate of sods on the west coast. At that time in Oregon, the Bonaville Dam on the Colorado River was in erection, and along with it, a big power station, and Washington very much favored the creation of new industries in thisfar off state of Oregon so that current was very cheap there, and that was just what was needed for chlorate of soda. On this invitation we at once declared our readiness to give a new company -- an American company -- our license and all our experience, and we further invited the French manufacturers to go with us together and to give us their terms also, and their experiences, so that we could offer to the new American firm the combined very valuable know how of both the German and the French manufacturers.

Now to study this scheme of some importance that brought me twice in 1937 to the States and to California and to Oregon -- and I was there together with a technical man from Bitterfeld, Dr. Moschel -- together we met there also the French representative from Faris. The plant was 15 Mar 48-M-AJ-13-4-Gaylord-von Schon Court 6 Case 6

to be erected at Bonnaville and all the measures and all the preliminaries were so far settled that we thought we could go ahead. This scheme unfortunately didnot come to pass, although it had a big attraction because when we were there on the spot in a very fine country in Oregon, and in Fortland we had a vision: we thought if we started on this chlorate of sods field, later on with the current available at a cheap rate at Bonnaville, we saw prospects for developing there nitrogen and use the phosphate deposits in Idaho, second only after Florida -- very fine deposits, which could at that time not be explored owing to the fact that Florida was in abetter position by freight and so on, but there was the possibility to have this phosphate rock from Idaho make nitrogen and nitro-phosphate rock from Idaho make nitrogen and nitro-phosphate and supply the increasing demand of California with fertilizer on a big scale. That was just a vision for the future.

Well, all that did not come to effect because a new crisis set in in the American agricultural field. The men behind Chipmen, a Mr. Bernuth, after a new survey, was not ready to go shead. I may say it was, of course, a bit disappointing to hear in this crisis when one of his salesmen came back from Nevada and told him that a farmer had told him to leave his shop, asking him, "What do you want to sell me that for?"

"Well, for wheat killing."

He said, "My God, man, it took me five years to raise this wheat."

Well, that is just a sideway. Anyhow the project had to be abandoned, but later on it was taken up again with another part of the Pennsylvania Salt Manufacturing Company, and only the outbreak of the war prevented it from coming to a satisfactory solution.

MR. VON METZLER: Thank you, Mr. Haefliger. Would this be a suitable moment for recess?

THE PRESIDENT: The Tribunal will rise until one-thirty.

(The Tribunal adjourned until 1330 hours.)

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## AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 15 March 1948).
Til. MakSHAL: The Tribunal is again in session.

DR. MUDOLF DIX: by I draw the attention of the Tribunal to a motion for a few minutes which I shall also submit to the General Secretar. I don't have to speak about the contents of this motion to any great extent. It has no legal nature nor is it technical, but it merely contains a request on the part of all the defendants, and we ask you to fulfill it.

The prison discipline and the order of this Tribunal run along side of each other, but obviously the prison arrangements are not prepared for the early beginning of our trial at nine. During the IMT we started at ten, and then later we started at nine-thirty. As a result the daily life of the defendants is subject to such temporal pressure that their physical conditions as well as their psychological conditions cannot follow these proceedings. I, personally, think that they can hardly be expected to.

This motion is substabliated by a number of other reasons, and attached to it is a request which the defendants some time ago directed to their defense counsel. In order that the Tribunal may gain a picture of a day in the prison, there is an aifidavit attached of Mr. von Bohlen, who made a similar request in another trial. This request applies in the same way to these defendants. I don't think I have to say any more. I refer you to the motion and its annex. I merely ask you look at this motion, not only with your minds but also with your hearts.

THE PRODUCT: The Tribunal will be slad to consider the matter and give it proupt attention for whatever we are able to do in regard to it.

of course, for the time being we do not know the contents but we will familiarize ourselves with it, Dr. Dix.

You say continue Dr. von Betzler.

DIFLOT FXAMINATION - Continued

## PAUL HAEFLICUR - Resumed

BY DR. von MATZIET:

chapter concerning your convention negotiations and the licensing of war essential products on the part of Farben towards foreign firms.

I am now turning to a new point in the indictment concerning the espionage and propaganda service of Farben as it was alleged by the prosecution.

I only have a few quastions to put to you in that regard. The prosocution has submitted Exhibit 362 of Document Book MIV, German Page 1, English page 1, and another Exhibit 363, Book MIV, English Page 9, German Page 11, concerning the NA meetings which you attended. Certain directives were dealt with with respect to the political reliability of Farben members by gentlemen of the foreign organization of the Party. What can you tell about these exhibits?

A I think Dr. Overhoff has testified on these questions in his capacity is an expert witness. I personally did not concern myself with these questions, and in the interest of time I don't have to go into that question; moreover, Tassume that Dr. Ilgner will in due course take position with respect to that question at greater length. I should only like to refer you to the following passage of Exhibit 362, English Page 5; it reads, and I quote, "There is an agreement amongst everyone that reinforcements are necessary in the foreign organizations along the enture line in order to be able to meet the activity of the Anglo-Saxon concerns."

With reference to Exhibit 363, English Page 13, I see merely windowdressing in the contents of these minutes.

Q key I interrupt you, Mr. Haefliger? For the information of the Tribunal, would you blease explain what is being dealt with in that exhibit?

Perhaps you can read the text of the passage in question to the Tribunal.

It's Exhibit 353. I will hand it to you from the file. Perhaps that
will help you.

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- A I am afraid I haven't got it.
- Q This exhibit states that if possible only such gentlemen be sent into the foreign organizations who show a certain political reliability.

  What can you say about that?
- A I can't remember having heard such pronounced statements at the meeting itself and I do not remember any discussions. I assume that the person recording the minutes was very liberal and did that subsequently, and that is how this formulation came about. This was the very time when Goering and other Nazi functionaries threatened companies who had not executed in their foreign organizations their Aryanızation measures. Apart from that, let me point out in this connection that during the same meeting of the Ka, Geheimrat Schmitz invited the Jewish General Director od Dynamit-Nobel A.C., Pressburg, Zuerich, Geheimrat Phillips, and for that reason alone it must become clear that this later formulation of these minutes merely represents a window-dressing and is far too pronounced to be correct.

- Ar. Heefliger, did you know enything about the so-celled alleged espionage activity of the foreign organization of Farban?
- A. No, I did not know enything about that. It was not espionage; it was merely aconomic information service, as it is being carried on by many other concerns with respect to their field of activities. The Farben sphere was very extensive and comprised all spheres of industries and that is why the information service had to be rather broad in its scope. I do not think I have to go into that now, because I think Mr. Illgaer will deal with that point exhaustingly.
- Q. I am now turning to the last part of your examination with respect to Count I of the indictment and I have to put a very few questions to you. Tell me, where were you during the critical month of August, 1939?
- A. At the beginning of August, 1939, I went into Switzerland for a prolonged vacation and I was utterly taken by surprise when the war started. Let me state, at the same time my secretary had her vacation in Bulgaria. I remember that she asked me whether I would want to dissure her from going into the Balkan in view of the tense political situation. I remember I said she should just go without any further fear for I was sure there would not be any war. Furthermore, let me refer you to what I said to the Swiss Consul of my district.
- Q. Mr. Haefliger, there is one more question in that respect, which, however, refers to the time efter the outbreak of the wer. However, to a certain extent, it still belongs to Count I. Did you actually attend the KA Moeting of the 28th of June, 1940 where the economic new order in Europe was discussed? I put to you Prosecution Exhibit 818, Document Book 45, English page 140, German page 185.
- A. I do remember that meeting. I was just recuperating from a severe illness at the time and I expected to go on a long vacation to Italy.

  I remember that question. It was the so-called Montoir period. That is the pariod when negotiations were carried on with the Vichy Government

lieved that a general peace was imminent and it seemed natural to me that the Government would start concerning themselves about the future development of sconomy and they asked private enterprises to give their views. I did not concern myself with these questions at the time and when I returned in August the work had practically been concluded. I never road the Farben memorandum on that point.

Q. Mr. Haefliger, concluding your examination on Count I of the indictment, would you please once more state the so-called subjective state of affairs, that is to say, your own knowledge of the intentions of the Hitlerite Government to wage an aggressive war. Die you have that knowledge?

A. No, I must deny that with all emphasis. Seconding to the reports in the German press, according to speeches made by Hitler and other Covernmental functionaries, where again and again the love for peace on the part of Germany was emphasized, I had to assume that an aggressive war on the part of Germany was not intended: I did not know of any special plans of Hitler at the time. I remember particularly that on the 6th of September, 1938, the German-French peace agreement was considered by me with great joy as a further guarantee of peace. When I heard about the Fleet igreement with England, I interpreted it was a sign of future peace and I did not think of any aggressive intentions. I always thought of Germany as representing the defensive point of view. I was very impressed by the speech of the Swiss President, Motte, who, in 1933, said in a speech that Switzerland had to remain armed and then he said, "Those nations who do not safeguard, or widen their military defense measures will be the sed pray of invesion." On the occasion of the Swiss festivel on 1 'ugust, 1934, I quoted that speech in my capacity as Swiss Consul to my countrymen and I added the following commentary: I quote from my speech: "These are profoundly Swiss courageous and statesman-like words. They do not criticize at all these events which happened, those events

which happened and are still happening in other countries. They merely demand in an impressive manner that we want to be independent and free masters of our own destiny. For that purpose an appropriate defense force which shall secure our freedom shall be established. On the other hand, this speech also stated that any other country should have the same inalienable rights and I continued that these words shall be engraved in our minds and serve as the guiding principle for all our actions."

I could quite many other passages from my speeches which show my faith in the maintenance of peace; in the interest of time, however, I shall limit myself to that one quotation. I want to show with that, that I, without at all being a militarist, considered the right of defense as a natural right of all free people aspiring towards peace and freedom. That is why I never saw in the re-armament of Germany a preparation for aggressive war.

Q. Thank you very much, Mr. Haefliger. This will conclude my exemination with respect to Count I of the indictment. I am now turning to
Count II, Plunder and Spolistion. The indictment charges you in that connection with participation in an alleged spolistion in Austria, which
started with the acquisition of the share majority of Skoda-Wetzler A.G.
from the Austrian Credit Institute. I must put a number of questions to
you in that respect.

Paragraph 22 of Part II of the Trial Brief maintains that Farben already before /ustria's annexation had endeavored to acquire the majority
of the shares of Skoda-Wetzler, ...G. from the 'ustrian Credit Institute,
but that these negotiations failed as a result of the rigid opposition of
the /ustrian Credit Institute. Is that situation correct? Would you
please state your views?

A. This description is in no way in accordance with the facts. Many years before there were negotiations being carried on with respect to a participation of Farben with Skeda-Wetzler.

O initiated these negotiations?

- That was Mr. Isidor Pollak. He was called, "Central Director" before.

  This is a title which only exists in Austria. He is beneath the rank
  of General Director. He only became General Director after 1935.
- Which prompted Mr. Pollsk to express the desire for Farben's participation in Skoda-Netzler?
- A. The Skode-Wetzler plants could only exist as a result of the high customs arrangements. This excluded foreign competition for the Austrian market to a large degree. Consequently an economic union of Austria with Germany would have led to a downfall of this enterprise.
- Q. You were speaking of an economic union of both countries. What do you mean by that?
- A. By that I meen the thought of a customs union, which ever since before 1933 had been discussed and as it is known, it was supposed to have failed as a result of France's interference.
- Q. Mr. Haefliger, if I understood you correctly, you mean that the basis of the so-called Skoda-Wetzler A.G. may have been shaken as a result of the dropping of the high customs regulations and as a result Mr. Pollak tried to get into closer connections to Farbon.
- A. Yes, an expert like Mr. Pollak realized that without further development, without further progress, a chemical enterprise cannot survive and he also realized that Farben would be in a position to revive a chemical enterprise. He was a very sensible man and he must have recognized these questions to be valid.
- Q. As far as you remember, when did the first contact take place between Mr. Pollak and Farben?
- A. As for as I heard, Mr. Pollak already in 1927 succeeded in forming, a commission of Vorstand members of Farben, among which Dr. Kuchne was, who visited him. In getting that commission to visit him, he already on that occasion expressed the desire for closer connection with Farben. The same took place on the occasion of another visit which was made by Dr. Kuchne and by Dr. Buergin, I think, in the year 1936.

- Q. Did Farben react positively to these first approaches by Mr. Pollak?
  - h. No, not at first.
  - Q. and why not?
- A. The products of Skode-Wetzler protected by customs were not sufficiently attractive from a technical and a commercial point of view to prompt Farben to take such a step.
  - O. Did Pollak thereupon try to approach other enterprises?
- Association for chemical and metallurgical productions, as well as the largest Italian chemical enterprises, Montocattini, 1.G.
- O. After Pollsk had approached these corporations which you just mentioned, did the attitude of Farben change with respect to the participation project of Skoda-Wetzler?
- Lessociation, which was our most important competitor in Austria, because the Prague Association had an important participation in the Ebensee Factory in Austria, would have meant a danger to our interests. This caused us to change our former point of view for purely economic considerations. In addition, the Austrian Government at the time requested the construction of a nitrogen plant for which Skoda-Metzler would have been primarily suitable.
  - Q. Ware reports made on that in the Commerce Committee?
  - A. Yos, in the meeting of 10 September 1937, that is Exhibit 363.
  - Q, Is it = prosecution exhibit?
- A. Yes, Prosecution Exhibit 363, Document Book XIV, English page 12, German page 18, Mr. Meber-Indrese as head of the Labor Chemicals Combine reports on the intended merger and he states the following: "The share capital amounting to 300,000 Austrian shillings of inlinchemie, A. G. was to be divided one-third each, Skoda-Wetzler, D.G and Farben. The gentlemen, Mr. Phillip and Mr. Pollak were to be accepted into the Administrative Council of the Amilinchemie, and thereby a constant contact was

to be assured. This would also form a group which would discuss all further questions of the development in Austria. Beyond that D'G and SWW were to endeavor the morger with Anilinchemie of Farben in order to promote sales. This in turn would serve as protection against Jussig and other firms."

- 1. Let me put one intermediate question: You just read a quotation from the Coumerce Committee Mueting and it says here, "protection against Aussig." What, do you mean by "Aussig."
- A. In chamical circles we always meant not the individual plant located at Aussig, but the entire concern, that is, the Association for Chamical and Matallurgical Products which before the First World War was located at Aussig in the Sudeten territory. After the war, when Czechoslovak's was formed, this was transferred to the Karlovy Vary and it later established itself at Prague. The designation, "Prague Association," was not a customary one. It only originated here in Nurnberg. This gives rise to misunderstandings again, and again when documents are presented where "Aussig's" mentioned. I just wanted to clarify this term, "Aussig," here.
- Q. Mr. Heefliger, you were just mentioning a Commerce Committee
  Meeting of 10 September 1937 where the intended merger was discussed.
  Who attended this Commerce Committee Meeting from Sustria, say, as a guest?
- A. It was Mr. Philipp, General Director of Dynamit Nobel, Pressberg, which owned a number of plants in Justria, as I mentioned. Geneimrat Schmitz introduced Mr. Philipp personally as a guest. It was not customary for a strange guest to appear at the Commerce Committee of General Director firms.
- Q. How did you understand General Director Philipp to feel about these plans of this merger of Dynamit Nobel, Skoda-Wetzler, and Farben?
- A. After the Chairman of the Commercial Committee, Dr. von Schnitzler, thanked him for his assistance with respect to the Aussig, that is,

the Pregue Association, and I am referring to the Commerce Committe Report of 19 September 1937, Mr. Philipp discussed the subject at great length and declared himself ready to participate in the realization of our plans with respect to Skoda-Wetzler and Dynamit, 1.G., lustria. All these statements were in accordance with General Director Philipp and more than that originated with him. I few months later the outcome was the so-called new order of the chemical industries in Justria, which was quoted by the prosecution and that it was Pollak's idea who belonged to Skoda-Wetzler.

- Q. Mr. Hrefliger, let me make some technical remark. Will you please pause between the question and answer. You were just mentioning a plan for the new order of the chemical industries of Austria. What do you know about that?
- A. The heading by Director Krueger, the New Order of Austrian Chemical Industry, may give rise to the impression that this was a plan which was born only out of the political annexation and that, however, is an error. We are here concerned with a project which, as I said, now had been endeavored before that period even, by Skoda-Wetzler, and the initiator was General Director Pollak, who justifiably foresaw a revival of this branch of industry, which otherwise would have been doomed to failure.
- Q. Mr. Haefliger, you said before that a circle was to be created in order to discuss all questions concerning Austria in that connection.

  To what did these requestions refer?
- A. These questions referred to matters pertaining to Dynamit-Austria, and Skoda-Wetzler with reference to the chemical field.
- Q. Am I correct in understanding you that it was Farben's desire in the fall of 1937, that is to say, shortly before Austria's annexation, to discuss those questions with the general directors of Skoda-Wetzler and Dynamit-Nobel, A.G., that is, Pollak and Philipp?
  - A. Yes, that was out intention. We had free and frank relations with

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these gentlemen at all times. We know them as the experts regarding those situations.

- Q. Were these two gentlemen, Pollak and Philipp, non-Aryans?
- A. Yes, I said that already.
- 1. As you said before, in the same minutes of the Commerce Committee, those matters of the marger were discussed. The passage is contrined there that people who are sent abroad by Farben as their representatives, have to be National Socialists. Mr. Haefliger, how can you explain this apparent contradiction in respect to Austria. At the end of 1937 Farben wanted a peaceful collaboration with non-Aryan General Directors. Isn't that a certain contradiction?
- A. That only seems to be a contradiction. It only shows what the real attitude of Farben was with reference to those matters and it furthermore proves that this passage in the Commerce Committee Minutes can only be interpreted as representing window dressing, as I have already mentioned.

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- In the course of your further examination with respect to the Shoda-Netzlar complex, I should like to limit myself essentially to questions which refer to negotiations in which you personally participated. Other gentlemen will discuss this very same subject on the witness stand. Frimarily let me put this question to you. At what stage of the proceedings did you interfere personally and what were the tasks which you had to fulfill?
- already before that I was occasionally informed about such matters on a broad basis, and upon request of Ir. Weber-Andreae I asked the gentlemen of Farbon about the status of the commercial negotiations, and I in turn informed them about my negotiations, but actually it was only at the end of Merch, 1935 , after the Anschluss that I actively participated in these negotiations. The Commercial Committee meeting of the 23rd of March 1938, that is to say ten days after the annexation led to myself and Dr. Schiller being entrusted with the mission of approaching a man named Keppler, whose acquanitance I had made, with respect to German questions, in order to settle matters pertaining to the regulation of the 19th of March, 1938. I refer you to Prosecution Exhibit 1058 in Document Book 52, English and Gorman page 1. We needed the permission for the carrying on of negotiations with Austria and for the eventual acquisition of Austrian firms. Without such rermission we could not continue these negotiations which were almost ripe for conclusion. The first opportunity came in Vienna on the 2nd of April, 1938.
- Q. Mr. Haefliger, already at an earlier date did you have opportunity to meet this Mr. Keppler whom you mentioned, or other party officials, and discuss with them questions concerning Austria?
  - A. No, never.
- Q. After the meeting of the 2nd of April, 1938, did you once more meet Keppler?
  - A. No, never again.
  - Q. Did you have the authority to negotiate in Vienna with the

Credit Institute in addition to acquiring that permission which you mentioned?

- A. No, I was never included in those negotiations. It had been intended to have these negotiations continued, by these gentlemen who always had done it up to that point, after the necessary permission had been received.
- Q. Now, Mr. Haefliger, you said that you spoke to Mr. Keppler on the 2nd of April, 1938, in order to obtain permission for the acquisition of Skoda-Wetzler. From a Prosecution Exhibit 1071 and 1072, which I shall put to you, Document Book 52, English page 90 and 96, German pages 120 and 127, it becomes apparent that already on the 29th of March, 1938, you approached the General Director of the Austrian Credit Institute, Johans
- A. No doubt it would have been logical and it was intended to fire receive the necessary permission of the authorities to continue the negotiations, and only then resume again negotiations with the Credit Institute. This was to be done by the Farben gentlemen who had previously dealt with that matter. When, however, I arrived in Vienna on the 28th of March, mainly in order to visit the anilinchemic, our representatives in the field of chemicals, in order to acquanit myself with the effects of the political annexation, ir. Guanther Schiller told me that Mr. Joham, whom I had never met before, had uttered the urgent request to see as soon as possible a member of the Farben Vorstand, in order to make an important statement to him about his changed attitude. Shortly thereafter General Director Pollak fotched us and the three of us went to Ir. Joham in the Credit Institute.
- Q. Lr. Haefliger, I am now going to put to you an excerpt from the cross examination of the Prosecution affiant Joham, of the 6th of February instant, English page 6,844. This witness has testified that this discussion which you just mentioned came about as a result of the suggestion of General Director Isador Pollak. What can you say about that?
  - A. That is quite new to me. After what Mr. Schiller told me, it

was my impression that it was Johan himself who initiated this meeting. However, in my opinion that is merely a detail. It is established at any rate that the meeting was initiated from the side of the Skeda-Wetzler.

- Q. You just said that ifr. Johan had expressed the desire to make a statement to a Verstand member of Farben. What was this statement? What did he say when you arrived at his place with Mr. Schiller?
- A. We discussed the changed situation and as a result of this friendly conversation we saw how Mr. Johns was quite willing to negotiate on the basis of a majority participation of Farben. You must keep in mind that shortly before the annoxation, the giving up of the majority could not have been conceded by him because there were certain internal governmental regulations according to which a majority of Justrian enterprises could not be given up to foreign enterprises, in particular German enterprises. The Credit Institute, however, was prepared to give Farben every guarantee, by way of contract, that they would not out-vote them in any matter. This necessity, however, no longer existed at this time. The Credit Institute could now act according to its free will. If Mr. Joham considered himself at the time subject to political pressure, then I can here state under my eath that in connection with his willingness to give up the majority he made not a single remark and not a single hint which would have led any one to believe that such action was not in accordance with his absolute free will.
- Q. You were just speaking of the friendly spirit by which this conversation was moved. What was Goneral Director Pollak's attitude, who was also present?
- A. Mhun he came to fotch us he appeared rather oppressed by the political development, but grateful for the fact that Dr. Schiller immediately concerned himself about him after he was dismissed. I remember that I told him to be courageous and I used the opportunity to express my preise about his morits at 5koda-Jetzler in the presence of Mr. Joham.
- Q. I am putting to you Prosecution Exhibit 1,071, English
  page 90, German page 120. That is a lotter of the 29th of March, 1938, in

which you and Mr. Schiller confirm the conversation you just mentioned with Mr. Joham. The Prosecution when introducing this exhibit interpreted this letter as being a dictatorial letter. What can you say about that?

A. This letter was dictated by the semewhat formal Schiller; however, I can find not a single passage from which any dictatorial attitude could be interpreted. In my opinion the whole conversation was very friendly, and very amiable.

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which you and Mr. Schiller confirm the conversation you just mentioned with Mr. Joham. The Prosecution when introducing this exhibit interpreted this letter as being a dictatorial letter. What can you say about that?

A. This letter was dictated by the schowhat formal Schiller; however, I can find not a single passage from which any dictatorial attitude could be interpreted. In my opinion the whole conversation was very friendly, and very amiable.

- Q. What was the reason for this amiability which you just mentioned?
- A. For instance there is a thosis which was made by Johna to the effect that the Annexation would bring about for more favorable expectations for the enterprise. I thought that this remark was rather about, but I didn't start any polanies with Mr. Johna. That becomes apparent from my file note of the oth of April, 1938, Prosecution Exhibit 1072. You can also see that from my Prosecution Exhibit 107. Particularly I suggested to take this objection into account, and I suggested that if an increased profit would come about, the Credit Institute would have an opportunity to participate in a menner yet to be fixed and to an extent above the normal sales value. I considered that to be a very fair suggestion.
- Q. What in your opinion was the statement of Johan intended to mean about the favorable expectations for the future as a result of the annexation?
- ... Every export, and in particular also General Director Pollak, was quite clear in his mind that Skoda-Retzler could only survive as long as it was protected by prohibitively high customs against import from Germany. Such measures permitted the enterprise to set a sales price twice and even three times higher than the one provilent in Germany. Any one who in any any later the situation and that, of course, was ir. Johan, too, could calculate that as soon as the Customs Union was dropped after the annomation, and we had to take that into account, the enterprise would got into an extremely precarious situation. Only Furbon interest in it could possibly save the enterprise. That was quite clear, and hir. Follak know that about a decade ago, when Dr. Bruening first broached the thought of a Customs Union with Germany. Farbon's generosity was even more emphasized by its agreement to pay for the shares at a rate to be fixed by a trustee company, when Farben would really only have had to wait for the effect of the climination of the high customs and them, I can sure, their interest in Skeda-Wetzler could have been acquired much cheaper and more advantageously to them.

- of the agreements between the concerns with regard to sales a danger did not exist for Skoda-Motzler after the customs barriers had been dropped, as it existed in the case of many other enterprises.
- A. It is true that our sales organization on the inilinehemic had cortain friendly agreements with Skode-Yetzler which provided the sales settlement for a number of products where import was still possible in spite of the customs. That applied particularly to the western part of the country because Austria reaches as far as the Bodensee. These agreements, however, could be cancelled by either party on short notice and, therefore, did not afford any economic protection in case the situation changed. Moreover, this shows also the confidence which Hr. Johan had in the politics of Farben and Skoda-Motzler, and confirms that there were friendly relations between them for years, but even if Farbon, on the basis of their old friendship to Skoda-Jetzler, had maintained these agreements, they would not have been able to protect Skedn-Wetzler against competition in the German Reich. The products in question were actually produced by a number of other independent Chemical enterprises in the Reich's territory. I am thinking more particularly of the bordering Bavarian chamical industry, as for instance the Suedehemie, A.G. which among other things was predominant in the production of bloaching agents, a product which is an important link in the production program of Skoda-Notzler.
- Q. Hr. Haefliger, you and Hr. John knew that the entire transaction depended upon the permission of the authorities?
  - A. Yes.
  - Q. The were these authorities who had to give permission?
- A. As far as I was concerned it was Keppler. In his capacity as official general plenipotentiary in Austria, he was at the very highest level. What subordinated agencies there were, I did not know at the time. I thought that there was a great deal of confusion and overlapping. There was no clear limitation of jurisdiction. At any rate, it was not

recognizable to an outsider. As I gathered from Joham's examination on page 6,623 of the transcript, English page 6,860, he then considered Keppler's activity in this respect as being illegal. He didn't tell us that at the time. On the contrary, I recall that Joham recommended to us at the end of the discussion to visit Minister Fischboeck in order that we might assure ourselves as to his views on the Skoda—Letzler matter. He said that that would be advisable in the interest of both parties. I think I can also remember that Mr. Joham in my presence telephoned Minister Fischboeck, or his office, in order to ask for an audience to be granted to him for that purpose for the very same afternoon.

- Q. If I understood you correctly, Mr. Haefliger, you intended at the time to go through the channels which were customary and which had been recommended to you in order to gain the permission?
- A. Yes, and during the following period this channel was rigidly adhered to.
- q. What was the Austrian Minister of Commerce Fischboeck's attitude during the audience which he granted you?
- A. Well, I went there together with Mr. Schiller, and we were very favorably received. He welcomed our statement that we didn't come in order to exploit the situation, but that we came in order to carry out constructive business negotiations in Austria. He asked us to request Mr. Johan to give him a report and he said that he was in close contact with Mr. Keppler. However, he said nothing could be decided before the 10th of April, for reasons I do not know.
- Q. In this connection, ilr. Haefleger, let me ask you this: when you visited Fischboeck, or when you visited other authorities, did you in any way try to exercise a pressure? That is, did you try to prompt these official agencies to exercise pressure on the Credit Institute?
  - A. No, in no way at all. That has never happened.
- Q. I should now like to put to you Prosecution Exhibit 1,072, Document Book \$2, English page 96, German page 127a. This deals with

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your file note on your visit which took place during the following day to Keppler's office and where you spoke to Mr. Veesenmeyer in the absence of Mr. Keppler, and in that file note you mentioned among other things that Austrian gentlemen for a number of years already had been trained in Germany by the Farben I.G. in order to incorporate themselves into Austrian chemistry. What can you say about that?

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A. Mr. Schiller also attended that conference. We wanted to explain to the responsible agencies at the time that we wanted to train suitable people too, and we wanted skilled people to stay with Skodaastzler. In view of the Nazi opposition and animosity toward Farben, we had from the very beginning to see to it that the impression that Farben only wanted to acquire Skoda-Wetzler in order to get rid of a competitor. was not acquired. That is why Fischboeck said that Farben was constructive in its intentions; that is why the argument was made to Veesemeyer immediately that we already had trained personnel which we were going to use immediately in order to accede to the official desire that \*ustrians were not to be pushed aside from the Austrian economy, but rather were to be occupied. I was thinking of only one person, Dr. Pongratz, an Austrian, who had been delegated to the Anilinchemie for sometime for purposes of traveling in the southeast. All said and done, it was a diplomatic incorporation, or, as Churchill once said in the House of Commons, it was a trunuological inexactitude, which I could permit myself because I knew that Farben was interested in Skoda-Wetzler, not because of letting the firm rot, but in order to modernize and develop it organically.

Q. Mr. Haefliger, before I leave this preliminary phase, if I may do so, when you were participating in the negotiations with Skoda-Wetzler, I should once more like to revert to the audience at Minister Fischboeck's. Did Mr. Johan make this request to grant the permission to him?

A. Yes, immediately after me received a letter of confirmation of 29th March, 1938, that is Prosecution Exhibit 1071, Book 52, English page 93, German page 124.

Q. I should like to put to you this letter which you just mentioned, that is the letter of Johan to Minister Fischboeck, and I must ask you whether this letter is conspicuous to you in any way.

A. Yes. Mr. Johan used certain formulations in that letter which do accurately represent what was discussed but do not take into

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consideration the manner in which the conversations came about and that letter could load to incorrect interpretations. .

- Q. . What do you have in mind, Mr. Haefliger?
- A. He correctly confirms that the Kreditanstalt for about one year had been carrying on negotiations with Farben; he omits, however, to express that the first meeting had been initiated by himself immediately after the annexation or General Director Pollak. That he confirmed himself in Vienna when he was interrogated. He said that he desired that meeting in order to show his preparedeness to give up the majority in view of the entirely changed situation. Further more, he gives rise to the impression as if the assignment of Schiller had come about as a result of the suggestion on the part of Farbon. Actually this request was initiated by himself. That is shown by Exhibit 1071 and 1072. I must assume that this description was made unintentionally; however, I do challenge anyone's right to interpret this formulation in a way which would lead one to believe that we were exercising pressure upon others; nothing was farther from us, and this was never the case.
- Q. Mr. Haefliger, did you participate in the further negotiations which led to the final conclusion of the contract a few months later with the Kreditanstalt?
  - A. No, I no longer participated in those negotiations.
- Q. Did you participate in the negotiations concerning the acquisition of the Austrian Dynamit Nobel A.6 at Fressburg?
  - A. No, I personally never participated in those negotiations,
- Q. But how is that you were elected into the Aufsichtsrat of the Karbidworke Doutsch Matroi?
- A. That was a pure formality, for a short interim period; I was not asked about that before, and I only learned about it later. I only learned from looking at the documents here in "urnberg that I was elected to be the deputy chairman. I can't remember this Aufsichtsrat having mot only one single time. It disappeared after merging with the Donauchemie

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- a. 6 soon after its appearance; the whole thing was a pure formulity.
- Q. One more brief question, Mr. Haefliger, about the significance of Skoda-Wetzler. Don't go into details because this subject will be dealt with by other gentlemen. What was the approximately yearly turnover of Skoda-Wetzler?
- A. I estimate it to be at the most two and one-half million marks, yearly that is the sales value at the time.
- Q. As compared to that, what was the turnover of the Sales Combine Chemicals at that time?
  - A. Approximately two hundred millions.
- Q. "and one concluding question. When at the end of March, 1938. .

  you were in Vienns, what did you think about the morale among the populace
  with respect to the annexation; be very brief!
- A. It was general acceleration; everywhere flags were hung, even in the workers' district; there were badges and flags sold to the millions around the streets. I could talk about that at great length, but at any rate it was anything but that you might expect in a conquered country. It was absolutely my impression that the annexation of Austria was in compliance with the will of the majority of the population in Austria and complied with their wishes for annexation expressed for many years before that.
- Q. Ir. Haefliger, I should now like to discuss with you a Prosecution exhibit that is Exhibit 1084, Document Book 53, English page 31. German page 32. You have given us a very extensive affidavit about the Skoda-Wetzler; that is dated 2nd of May, 1987. This affidavit I discussed with you a short time ago; have you anything to add or to correct in that affidavit?
- A. I think that it would be going too far and it would burden the time of the Tribunal to go into details here about the things which I want to correct. The affidavit coincides with the picture which I gained at the time to the best of my recollection about that matter.

Since on a broad basis it also coincides with the facts as they have been in the meantime corroborated by the documents, I think I can leave it at that. I must add that when drawing up this affidavit I had no documents whatsoever at my disposal, apart from the private diary of my secretary from which I could ascertain a few dates. The interrogator, Mr. Fudolph, at that time put to me to give him as many details as possible even if I considered them to be insignificant; consequently, I repeatedly made porsonal considerations in this affidavit, some of which I cannot maintain after I have gained an insight into the documents. Without going into details, in the interest of saving time, these are predominantly the passages which refer to Dr. Ilgner's participation during the years before the annoxation. I can state expressly that after having been able to refresh my mamory, using documents, I cannot maintain the statements made concerning the personal participation of Mr. Ilgner before Austria's annexation: I was not informed who carried on the negotiations in Austria. In the meantime, however, I have been able to ascertain that it was Dr. Buhl, who was in close contact with the Finance Pepartment in Berlin. I also have written down information concerning negotiations which I lidn't personally attend, in a somewhat incorrect manner. According to my opinion, however, all these things are irrelevent, and I don't have to go into them. I am sure all these matters will be cleared up in the course of the trial by other defendants who are better informed than I am.

DR. VON METELER: Mr. President, would this be a suitable moment?
THE PRESIDENT: We will rise for recess.

(A recess was taken.)

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(The hearing reconvened at 1515 hours.)

THE MARSHAL: The Tribunal is again in session.

PAUL HAEFLIGER- Resumed
DIRECT EXAMINATION (Continued)

BY DR. VON METZLER:

Q Mr. Haefliger, I should like to refer now to another prosecution exhibit, 1070, Book 52, English page 77, German page 92. This is a report—a summary of a report on Austria, which was intended for the Vorstand meeting, 21 October 1938. Did you read this report, and have you anything to tell us about it briefly?

A Yas. I cannot recall having received or read this extensive report at that time. On page 95 the presence in Vienna of various gentlemen, including myself and the defendant Kugler, is reported. It is not said, however, that they attended the conferences with Raichskommissar Buarckel, Fischboeck, Naubacher, Raffelsberger, or Karl. Dr. Ilgnar vary kindly undertook to call upon these gentlemen alone or with a very small number of others. Since the commissar matter, we wanted to have the commissars who had been appointed by surprise by the government withdrawn. This was a very touchy question. Consequently, I remained in the background and did not take part in the discussions. I believe I can recall that I and a few other gentlemen, who were in Vienna, accompanied Dr. Ilgner to see Raffelsberger for a short conference at which Dr. Ilgner's compromise solution was announced. I have mentioned this in my affidavit, Prosecution Exhibit 1084, Document Book 53, English page 42-43, German page 39-40. I made this report from memory. This document also confirms my testimony that in the negotiations with Dynamit-Nobel, Pressburg regarding taking over the Austrian plants, I was not concerned, so that I cannot go into that.

DR. VON METZLER: Your Honors, I am going to introduce now a few documents. I am offering in evidence Document Haefliger Number 39, which Your Honors will find in Book III on page 54, and which

may go in as Haafligar Exhibit 32. This is an affidavit by Guenther Schiller, formerly manager of the Austrian IG Agency. The next document I am off ring in evidence is Number 40, which Your Honors will find in Book III on page 59, and which may go in as Haefliger Exhibit 33. This is an affidavit by Hans Kehrl, formerly Generalreferent for Special Tasks to the Reich Ministry of Economy and liaison officer between this Ministry and the Reich Plenipotentiary for Austria, Wilhelm Kappler. I am offering next in evidence Haefliger Document 41, which Your Honors vill find in Book III, page 61, and which may go in as Haefliger Exhibit 34. This is an affidavit by Wilhelm Keppler, formerly Reich Plenipotentiary for Austria. These three documents which I just offered in evidence are affidavits on the attitude of IG, adopted at the negotiations which took place after the Anschluss of Austria with regard to the acquisition of the Skoda-Watzlar shares. All affiants testify that no pressure whatsnever was exerted by IG on the Oesterreichische Kreditanstalt at these negotiations. The affiant, Schiller, describes the attitude of Paul Haefliger at his visit which he paid to Joham, the chairman of Oesterreichische Kreditanstalt, and to Kapplar, the Reich Planipotentiary for Austria in March 1938. This affiant furthermore states that the remarks of Haefliger in the file note of 8 April 1938, Prosecution Exhibit 1072, pertaining to the training of Austrians in Germany for the amployment in the Austrian chamical industry, merely constituted a technical, a tactical manauvar, and that he, Schiller, navar had any knowledge of such reserves in Austrian personnel in Germany. I am offering next in avidance Hasfliger Document Number 42, which Your Honors will find in Book III on page 63, and which may go in as Haefliger Exhibit 35. This is an affidavit of Karl von Heider, formerly titulary director in the sales combine, chemical sales combine, dealing with the afore-mentioned remark of Haefliger in the file note introduced by the prosecution as their Exhibit 1072. Von Heider

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testifies that he perused all the files deposited in the personnel department of the IG Control Office at Frankfurt, and was not able to find any indication justifying the remark of Haefliger in said file note that Austrians were trained in Garmany for the employment in the Austrian chemical industry.

## BY DR. VON METZLER:

Q Mr. Haefliger, this is the end of your examination in connection with Skoda-Wetzler. I now proceed with Aussig-Palkenau. First of all, I should like to put to you Prosecution Exhibit 1072, which has just been discussed, Document Book 52, English page 1, German page 2. I said this is a file note of 6 April 1938 prepared by you; on English page 2 we find a record of your conversation with Keppler in which he mentions Aussig. What about this remark?

A I know that the prosecution deduces knowledge of coming events. That is not the case, however. As I have already said regarding Skoda-Watzler, I knew, and it was recorded in the note that General Director Barsch of the Prager Verein had approached Dynamit-Mobal, Prassburg with the suggestion that some shares of Aussig should be given to us through Dynamit-Nobel, Pressubrg. I considered this a good opportunity, therefore, to sound out Kappler and find out what the attitude of the German authorities would be because if the situation had arisen, we would have to obtain approval for the question of foreign exchange, if nothing else. If I wrote in the file note that I was aiming at Aussig, I meant, as I have already said, the Prager Verein, and not the Aussig Plant. There can also be seen from the fact that in my note I speak of some shares of Aussig. If Kapplar said that this interest could not cost much, it was only because he was considering Prager Verein's future chances of export to the Southeastern countries unfavorable, and apparently he thought that the value of such enterprises would drop. There was nothing concrete here, and, as I have said, I merely happened to be sounding out Kapplar, wanted to be informed about the Prager Verein, and I passed this request on to Berlin via Mr. Schiller, and I naver heard anything more about it.

Q .Mr. Hasfliger, did you have any knowledge of alleged plans of Farben before the occupation of the Sudetenland particularly regarding the acquisition of Aussig-Falkenau, which belonged to the Pragar Varain?

A There were two plants, Aussig and Falkenau. They are about 150 kilometers apart—oh, I beg your pardon, No, I knew only that Farben was interested in holding some shares of the Prager Versin if stock should begome available.

Q Did you know that in September 1938 Farban allegedly reported to the Reich Ministry of Economics its interest in the Aussig Falkenau plants and asked that one of their men be appointed a commissar for these plants?

A No, I can't remember that at all. I learned the details of this only here. I did not—I am not sure when I learned this, probably after the Munich conference, that the sales combine dyestuffs had managed to have Mr. Kugler proposed as commissar of trustee, but as far as I was concerned, this was purely dyestuffs matter, and I did not waste much thought on it, and I don't remember it. We were living in the period of high tension politically, and according to the Runciman report, I was under the impression that a peaceful solution would be arrived at. The Munich conference I considered great relief and a turning point in the direction of world peace.

Q Please describe to the Tribunal briefly when and how you became involved in the negotiations for the acquisition of the Aussig and Falkenau plants.

A Shortly after the occupation of the Sudetenland on the basis of the Munich agreement, Dr. von Schnitzler called me while Weber, Andreas was in the United States, and called me in and said that there were rumors current in Berlin according to which the chemical factory Von Heyden, wanted to acquire the Aussig and Falkanau plants. Since I knew the connection of the Von Heyden factory with Mr. Struthberg very well, Dr. von Schnitzler asked me to find out whether this was true. I established telephone contact with Heyden and it turned out Heyden actually was interested in this

project because Hayden had vital interests at stake, thereupon, on the suggestion of Hayden on the 13th of October 1938, there was a conference in the Hotel Adlon between the representatives of Ferben and Hayden.

Q Excuss ma, if I interrupt you, just for the Tribunal, where is the Hotal Adlon?

A In Barlin.

Q Thank you.

A During the discussion agreement was reached to the effect that acquisition of Aussig-Falkenau plants, Farben and Heyden would deal over these plants on a 50-50 basis and the dye sector would be left to Farben.

Q Now, before these negotiations you have just described between Hayden and Farban, had there been any contact before that with Prager Versin regarding turning over the Aussig-Falkenau plants?

A No, not as far as I know by Farben. I was always under the very definite impression at the time that Heyden had already established contact with Prager-Verein or that Prager-Verein had already indicated that it was willing to give up its plants in the Sudetenland. That was my impression.

Varein have any reasons or any necessities to sell the Aussig
Falkenau plants?

A The cassion of the Sudetenland, of course, brought a very changed situation for the Prager Versin. Two of its plants were in German Reich territory now. The consequence was that these plants would have to be incorporated into the existing German economic system, also these plants would be included in the German tariff area, with entirely different market situations, and because of the local sales prices in comparison with the protected Czech market, the profit would be less. Also one must not overlook the fact that the employees were predominantly German. The owners of

Frager Verein, of course, knew all this, and the issue for them was that they should get rid of these plants in the most advantageous way possible.

Q Now, the prosecution has repeatedly referred to the alleged haste with which the whole negotiations were carried out. What about that?

A after all, it is obvious that at such a moment one has to act quickly, it is as plain as pikestaff that there are other people interested, too, prospective purchasers, and everyone does what he thinks proper at the moment. And that is correct in the case of Heyden who had apparently taken steps in the matter much earlier. Haste was necessary because we and von Heyden knew that there would be quite a number of other parties trying to acquire the factories at Prager-Verein, therefore, we had to act quickly. From this, too, I concluded that the Prager-Verein was quite at liberty to negotiate with whoever it thought most suitable, that it wanted to sell its plants on principle was beyond any doubt as far as I was concerned for the reasons given.

Q When did the first negotiations with Prager-Verein take place which you attended, Mr. Haefliger?

A On the 7th of November 1938. At this meeting we agreed on the sales price and the basic directives. The negotiations took place, I recall that very well, in the meeting room of the Dresdner Bank in Barlin.

Q Wars there any further negotiations?

A Yes. There followed the final negotiations from the 5th to 7th December. Also in Berlin. In our building in the Unter Den Linden. In the meantime the very numerous contracts had been worked out by the lawyers on both sides. On the 7th of December the contracts were signed, and letters of friendship were exchanged. The representative of the Prager-Verein, General Director Dvortaczek has confirmed on the witness stand that it was very important, and rightly so.

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- Q.- Will you please briefly describe to the Tribunal how the negotistions were regarding the purchase price?
- A.- I can only speak very briefly on that. I believe the Prager Verein started at a sum of, I believe, about 400,000,000 Czech crowns. I believe that was an experimental balloon. They went down to 380,000,000 crowns very quickly. The Germans suggested 250,000,000 crowns.
- Q.- Do you remember, Mr. Haefliger, what considerations this German counter suggestion of 250,000,000 crowns was based on?
- A.- Yes, Dr. von Schnitzler in the private preliminary discussion with Heiden mentioned as a suitable purchase price, according to experience, the annual turnover. This annual turnover in the Aussig and Falkenau plants as we estimated from our knowledge of production, conventions, etc. and Struthberg's information since he had been director at Aussig and Falkenau for many years before he worked for Heiden, we estimated this turnover at about 250,000,000 crowns. I recall dr. Von Schnitzler's formula because of its simplicity.
- Q.- Mr. Haefliger, to repeat, you have just used a rather long sentence, the German counter suggestion was equal to the annual turnover of the plants?
  - A .- Yos.
- ".- And that was, in your opinion, a customary formula for culculating the purchase price?
- A.- No, it was not the customary formula, It was a simple formula which Dr. von Schnitzler mentioned from experience with such negotiations. It was just a counter suggestion, and I will tell you later on that on closer investigation, it was discovered that this estimate was quite correct.
- Q.- I just mean to ask you whether that was an arbitrary figure or whether that was a figure based on experience and certain considerations?

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i.- Subsequently, it was carefully investigated, and so that it was not just mentioning a figure arbitrarily. There was, of course, a foundation for it.

Q.- That was the figure which the various parties finally agreed on?

1 .- 280,000,000 Czech crowns.

Q .- In your opinion, as far as you could judge, was this sum an adequate compensation, an adequate price for the plants?

A.- Yos, the sum seemed to be quite adequate, especially considering that the plants, as I have already said, would now come into a market with a much lower purchase price, a much lower sales price, than in Czechoslovakia, which had protective bariffs.

O.- Did the Germans make any further concessions in favor of the Czechs?

A.- Yes, they did. The German partners turned over various facilities belonging to the Aussig and Falkenau plants to the Prager Verein, that is the machinery. Also, there was an agreement on payment which was to be paid to the Prager Verein under the Titanium Thite convention. Also, there was an important concession that in spite of the instability of the Czech crown, the amount of 280,000,000 crowns had to yield at least 24,000,000 marks. The risk of the rate of exchange was on the Germans. It was also agreed that a fairly large share of the purchase price, I believe about 100,000,000 czech crowns, would be paid in kind, commodities, at cost price to the Prager Verein to put the enterprise in a position to keep its Czech customers until new plants could be built.

O.- Were any restrictions imposed on the Frager Verein by the sales contract regarding further development in Czechoslovakia?

A.- No.

O.- Mr. Haefliger, excuse me for interruption you. Would you please make a pause? You don't have to speak so fast, we have plenty of time.

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Q.- No, on the contrary, from the very beginning, it was considered important that the Prager Verein should keep complete freedom to be able to expand at will. Dr. von Schnitzler said expressly that this should be true of the manufacture of primary products, too, that is, the Prager Verein was at liberty to open new dyestuff plants in Czechoslovakia.

In addition, it was even proposed that the expansion of the Prager Verein should, as far as possible, be facilitated by technical assistance if required, and that was the purpose of the friendship pact, which was an integral part of the contract which was exchanged when the contract was signed in Berlin.

- Q.- Was any other reason given in the negotiations for lowering the Czech domand from 380,000,000 crowns by the German side?
- A.- I believe I recall that the lawyers said that the Aussig and Falkenau plants had cortain liabilities which had to be taken over, and that there were various logal disputes pending which might lead to further financial liabilities on the parts which also had to be taken over when the plants were purchased.
- Q.- Then, if I understand you correctly, Mr. Heefliger, you mean to say that the concessions made by the Germans to the Czechs were justification for lowering the purchase price from 380,000,000 to 280,000,000 Czech crowns?
- A.- Yes, the purchase price of 380,000,000, that was the suggestion of the Prager Verein. In commercial negotiations, there is always trading, that is so in the whole world. That doesn't mean by any means that these 330,000,000's would have been the proper price. I consider that this fixing of 280,000,000 with all the complete details and the concessions, was a quite fair solution of the problem.
- Q.- Did the representatives of the Preger Verein in the negotiations over indicate that they had previously been in touch with Ruetgers about the sale of Aussig and Falkenau plants?

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A.- No, not a word. They didn't even hint it. They didn't even hint such previous negotictions with other firms.

Q.- Now, outwardly were all these regotintions in a fair spirit, or were there violent disputes, scances, which might be interpreted as exertion of pressure on the Czech partners?

tiations customary throughout the world in private business and such matters. Only at the meeting or the 6th of December, 1938, on the day before the contract was signed, when the main points had long been agreed upon and there were a few minor points to be settled, at the end of the 14 hour meeting, there was a dispute between Gereral Director Basch and Dr. von Schnitzler, about a minor point, but I don't remember what that was, and thereupon the meeting was closed, I believe it was already after midnight. Aside from this incident, which was due to exhaustion, the negotiations were carried out in quite correct and objective tone, and on the next morning, when we were able to go to work refreshed, not a word was said about this midnight quarrel.

O.- Mr. Haefliger, I want to come back to the purchase price of 280,000,000 Czech crowns. Do you perhaps recall whether this sum which you finally agreed on was suggested by the Prager Verein at the end or was this suggestion made by Farben?

A.- I cannot remember that. There were some intermediate stages. We went to 310, and then the titanium white plant was discussed and all kinds of questions were considered. I don't know how we came to agree on 280.

G.- How, Mr. Haefliger, did you have the impression during all these negotiations that Farben exerted any pressure on the Czechs?

A.- No, I did not have this impression.

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- 9.- Do you perhaps know whother the German authorities in any form, acting on or without Farben's suggestion, exerted any pressure on the Pre-ger Verein in order to have the Aussig and Palkennu plants turned over to Farben?
- A.- Mo. I did not know anything of that and I cannot remember the representatives of the Frager Verein during the negotiations having made any
  such remark or hint even. I don't believe that the German authorities intervened in any way. I have no knowledge of such a thing.
- O.- But, Mr. Haefliger, you did say that the Pragor Verein, after the Sudetenland was ceded, realized the necessity of selling realized a certain necessity, let us say, of selling the Aussig and Falkenau plants. Was that not a certain compulsion under which the Pragor Verein was negotiating in this case?
- M.- One has to state most emphatically that in international business it is a well known fact that if an enterprise is obliged to give up a working plant it is generally because of political circumstances or because of the eccaic situation and this usually constitutes some pressure.
- Q.- Can you not give an example of this grom your own activity with Farben -- for such compulsion in which you were, of course, again in international business dealings?
- A.- Certainly. Not long before that I personally was in such a position. It was a question of the Farben's option participation in the American Magnesium Corporation in the United States, in the fall of 1937. It might have been the middle of the year. At that time, Farben was obliged to give up this very promising holding, since, on one hand, the anti-German attitude which prevailed in the United States at this period was affecting the enterprise adversely. For example, by all the withholding of Government orders and also because of lack of foreign exchange, it was impossible to carry out capital measures which in the future might become necessary for the welfare of the enterprise, and in the minutes of the Chemical Comp

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mittee of the 25th of May 1937 there is the following remark: "Magnesium U.S.A. If we were to exercise this option, the company would have great difficulties in securing Government orders which are of vital interest to the business." I should like to remark that this option of 50 percent participation in the Magnesium Corporation had — could have been obtained at a very small price; only a few thousand dollars; but, as I say, this we could — we could more or less consider this option as participation. I mean to say that in the sale of enterprises, especially large international transactions, there is a certain compulsion on one side for which the other side cannot be held responsible. Thus I see and saw the position in the Aussig-Falkenau case.

0.- You mean to say, Hr. Haefliger, that there is a certain compulsion under which the Prager firm was suffering because of the Hunich agreement of 30 September 1933, but that Farben cannot be held responsible for it?

A .- Yes, that is what I mean to say.

O.- Now tell me what the connections were between Farben and the Prager Verein after the scale of the Aussig-Falkenau plants. Were relations impaired because of the purchase of these plants?

A.- No, not at all. As far as I could judge, we had a friendship agreement, too, which the Prager side and we too considered very important.

And we observed it.

Q.- Tell me, because of this transaction -- that is, the giving up of the Aussig and Falkenau plants -- was the Prager Verein financially weakened?

A.- I am convinced that it was not. By the payment of the purchase price by Farben the Prager Verein had become to a great degree liquid, and I emphasize once again that a large portion of the purchase prise was paid in the form of goods. The best proof of this is the fact that at same time later, as far as I recall, it participated to 40 percent in the company for building a rayon factory together with the Dynamit Mobel Pressburg,

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and, according to the Friendship Pact, Farben had invited this participation. This rayon factory at Pressburg proved to be an excellent investment for Farben, for Dynamit-Nobel and for the Prager Verein. That was quite a profitable enterprise.

Q.- You mean to conclude from the Prager Verein's participation in this rayon project that, after selling the Aussig and Falkenau plants, the Prager firm was enjoying prosperity?

A.- Yes, and I believe the stock was never so high as after this transaction. The Prager Verein stock, I mean.

Q.- Mr. Haefliger, to conclude the Aussig and Falkenau chapter, I should like to put to you Prosecution Exhibit 1906, which was offered in evidence in the session of 20 February by the Prosecution. I believe it was offered only for identification. This is the record of a discussion with the Chemical Factory Heyden at which representatives of Farben were present, and you are mentioned too, and also a representative of the company for nitrogen fertilizer.

In this record it is said that the Czech authorities, upon inquiry of the Nitrogen Syndicate, are supposed to have said that Czechoslovakia was endeavoring to make itself independent in calcium, nitrogen production and it is also said in this document that it was the endeavor of the German nitrogen authorities to prevent this endeavor and that instructions were issued to Dr. Bachmann to take the necessary steps with the Economic Group.

I should like to put this Exhibit to you and ask you to comment briefly on it.

A.- I am afraid that will be very confusing. After the meeting of the 30th of October 1938 — that is the meeting between Farben and the von Heyden Chemical Firm, at which equal collaboration between these two firms mas agreed upon — there were a number of internal discussions between the two partners. In order to get a picture of the value of the Aussig and Falkenau plants under the changed circumstances, in order to be prepared

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for the coming negotiations with the Prager Verein, the clegant formula of Dr. von Schnitzler could not just be accepted; it had to be investigated. We had to see whether it was really applied in this case. We have to be thorough. And more, ten, it was necessary to consult numerous experts who were informed about the prospects of those two plants for their products. This included hir. Schneider -- not this Schneider, but the Prokurist and the head of the Chemidal Sub-Department. Hr. Struthborg, as commercial director of the von Heyden factory, also attended these meetings. First of all, as I said, he had for many years been a director in the Prager Verein at Aussig, and secondly because he rightly wanted to find out if he was to participate on a 50-50 basis with Farben, what opinions were held about future operations or what obligations there might exist on Ferben's part, which would not be in his interest. One had to be quite frank with one's partner, of course. Dr. von Schnitzler, who had called these meetings, asked Dr. Bachmann of the I.G. for the nitrogen Fertilizer to come to Frankfurt to report to us and Mr. Struthberg what the situation was for a nitrogen of lime at Falkonau, in his opinion. We know nothing about this field in Frankfurt. Bachmann who was in charge of the calcium syndicate, which, I believe, is a sub-division of the Mitrogen Syndicate. He alone could tell us this, and he was to inform us and to inform us about the policy of the Mitrogen Syndicate regarding the branch of which he was in charge.

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From this document I see that Bachmann gave the necessary information. I don't remember when I was present. There were five of six prokurists and directors who spoke on the various products, and i can't remember the details. This document shows that Mr. Bachmann explained and told us that the nitrogen lime industry wanted to prevent production in Czechoslovakia. That was the nitrogen policy which probably arose in this case because there was too great a capacity in nitrogen of lime. I don't know. Since the von "cyden Chemical Factory was in charge of chemicals and had the decisive word regarding the sale of nitrogen of lime produced at Falkenau, it was agreed that the new company was to sell Falkenau production through the syndicate. This would best serve all interests.

The Frager Ver in was not placed under any contactual restrictions in producing the nitrogen of lime in its own field, but it could not expect to be supported by the nitrogen syndicate. This decision was with the syndicate, it was not a matter for "eyden to decide.

Q I have now finished your examination on the question of the acquisition of the Aussig Falkentu plents. I should merely like to ask in conclusion, Mr. Haefliger, whether in this entire transaction at any time you were aware that Czech property was being stolen?

A I must dany that emphatically. I was convinced that the Frager
Verein because of political developments could no longer hold the Aussig
Falkenau plants, but that in the sale of these plants it received a purchase price and other important concessions which were very proper
renumeration and suffered no financial loss.

Q I now go over to Count II, the subject of Poland. In the trial brief of the Prosecution on Count II, on page 19, it is sayd in connection with Poland, and I quote: "We have shown that the Defendants von Schmitzler and Haefliger and other I.G. Farben men as early as 7 and 11th of September approached the Reich Ministry of Economics."

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Mr. Faefliger, I ask you whether you had anything to do with nagotiations affecting the Poland dyestuffs factories in Boruta, Woln and Tinnica?

A Mo, there was no question of any participation there. These were purely dysstuffs factories. They were completely outside of my field of work. The message of Dr. von Schnitzler to Dr. Kuehner on 7 September 1935, Prosecution Exhibit 1138, Document Book 55, English page 54, German page 85, and the letter to the Reich Ministry of Economics of 14 September 1939, Prosecution Exhibit 1139, Document Rook 55, English page 56, German page 87, I was not familiar with. The letter was not as the Prosecution contends signed by me, but by Dr. von Schnitzler and Dr. Kuchner. It is true that on the occasion of a visit which I made together with my associate, Dr. Prentzel to Regierungsrat Hoffmann in the RW, I had business with Mr. Hoffmann rather frequently in connection with the import of sulphur for the rayon industry. On this occasion we discussed the question of the Polish dyo-stuffs factories. It was brought up by Hoffmann. In this matter Iacted only as as letter carrier, if I may say so, to prevent a discussion with Dr. von Schnitzler and the RWH, and Dr. von Schnitzler gave the information which Mr. Hoffmann desired.

After the discussion with Regierungsrat Hoffmann, I informed br.
von Schnitzer that there should be an interview with him as soon as
possible in the Ref.

If I understood you correctly, it. Haefliger, on the occasion of a visit to Regierungsrat Hoffmann in the Reich Ministry of Economics, the questions of the Polish dye-stuffs factories, the appointment of trustees was brought up, and you undertook to arrange an interview with wr. von Schnitzler on this question?

A Yes, br. Hoffmann said because of the situation it was necessary to appoint a trustee, and he should like to talk to the men responsible for such things in Farben, and I undertook to deliver the message. 15 Mar.48-A-C-J-26-3-Perrin-Court 6 case 6

- Q r. Paefliger, in the subsequent negotiations in the RFM or with other German authorities in Germany or in occupied Poland, did you ever participate?
  - A No, I did not, never.
- Q Did you know the report about the most important firms in Poland, which is Exhibit 1135, -36, and -37 of the Prosecution, Document Book 55, English page 50, German page 82?
  - A No, I aid not receive this report.
- Q are you informed about the other details of Farbon's transactions in Poland? Perhaps I may put it like this. Were you subsequently informed about the contents of the Farben transactions in Poland regarding these dye-stuffs factories?
- A I can recall that in a Tea menting, a report was made by Dr. von Schnitzer that in the interest of upholding the suffering dyestuffs operations, a trustee company was to be formed, and I believe I recall that Dr. von Schnitzler at a Verstand meeting reported on the leasing of the Boruta plant. As for acquisition or the intention of acquiring it, I never heard anything. And as far as I recall, no report was made about this in the Verstand. The Polish dye-stuffs factories were something completely outside my field.
- about the acquisition of Polish chemical plantsin your province?
  - A The Choma had no interest at all.
- In connection with this, I should like to put to you Prosecution Exhibit 1906. I'd like to put this Exhibit to you, Mr. Haefliger will you please look at it. It is a note on the business of a telephone conversation between you and Dr. Buergin. Cortain statements are made therein about a chemical enterprise in Folund, in the acquisition of which Farbon might be interested. What do you have to say to that?

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A No. I can explain this matter only like this. Dr. Bucrgin called me up from Frankfurt and s id to me -- probably because we often had to talk to such other in other things -- and said to me, "I have an assignment from a government agency to go to Poland." Now, I ussuae that he called me up in order to ask we whether we had any additional information which would help him in carrying out this mission. I got intouch with Dr. Huentcke, an employee of the management department -his initials are on here -- and Oasked him to see what he could find for Dr. Buergin that might be of help to him, to see what he had in his files and thereupon er. Suergin received the desired information that is, whatever information was available, and when this information was turned over to Dr. Buergin, reference was made to the telpehone conversation with me and a memorandum of the incident was sent to me, purely for my information, purely information given to br. Buergin who was sent on a government mission to P land, and who, of course, wanted to have as much data as possible about the field which he probably knew nothing about. That is quite natural , but we never had any interest in those firms which were mentioned. We never bought enything. We had no intention of buying anything.

Q Thenk you.

Q I am offering now in evidence Haefliger Document Number 44 which your Honors will find in Book 3 on page 67 and which may go in as Haefliger Exhibit 36. It is an affidavit by Dr. Alfred Hoffmann who formerly was a referent in the department Chemistry of the Reich Himistry of Economy. The affiant testifies that he cannot remember that Haefliger participated in the negotiations relating to the appointment of trustees for the Polish dye-works Boruta, Winnica and Wola, who were appointed by his department after negotiations with representatives of I.G. The witness states that the participation of Haefliger in these negotiations appears improbable, since the affairs with which the dye department of I.G. was concerned did not come within Haefliger's sphere of tasks. I therewith conclude your examination on the Poland question and now come to Norsk-Hydro. Were there, between Farben and Norsk-Hydro, any connections before 1933?

A Yes, the general director Aubert of Norsk-Hydro was in Farben's Aufsichtsrat. Between the two enterprises there had been friendly relations for years in the nitrogen field.

- Q Before 1933 did Farben have any holdings in Norsk-hydro?
- A Yes.
- Q To what extent?
- A I do not know exactly. I believe twenty to twenty-four per-
  - Q Did you belong to the Aufsichtsrat of Norsk-Hydro?
  - A No, never.
- Q On any earlier occasion was the establishment of a magnesium plant in Norway discussed?
- A Yes, long before 1938 the Horwegians had suggested the construction of a magnesium plant. When I say Horwegians I mean Horsk-Hydro. Farben, however, rejected the suggestion because in view of the existing licence agreements, particularly with England and France, the Norwegian market was to small or rather it was non-existent to make the construction of a Horwegian magnesium plant profitable and exports seemed impossible.

Q The prosecution charges that Farben, together with German government agencies, planned the sediation and exploitation of Mornegian industry, particularly Norsk-Hydro. In this connection let me ask you first of all about the aluminum program of the then Reich Plenipotentiary, Dr. Koppenberg, which has discussed repeatedly before this tribunal. Did Farben have anything to do with this aluminum project in any way, or did Farben suggest this project?

A No, in the summer of 1940 after the occupation of Norway, Dr. Koppenberg was given extraordinary powers by Goering to set up aluminum facilites in Norway. At this time Farben had nothing to do with planning this project. What we learned about it at the time was rather fantastic. In 1940, as I learned only later, Koppenberg approached, among others, Norsh-Hydro, without informing Farben.

Q What did Morsk-Hydro do?

A I obtained my knowledge for answering this question only here from the files and from conversations with the other Forben gentlemen. Since it was only later, at the beginning of 1941, when magnesium production had already in principle been decided upon together with Morsk-Hydro, that I was called upon for the contractual negotiations. Norsk-Hydro did not want collaboration with the Reich or with any company controlled by the Reich. In order to evade such collaboration, General Director Aubert, remembering the old friendly relations with Farben, in the fall of 1940, personally went to see Professor Krauch, and suggested that the old plan to set up a magnesium plant together with Farben might be reopened.

Q What was the reaction of Farben to this suggestion made by Mr. Aubert in the fall of 1940?

A In the late spring of 1940 the German government had given Farben a production assignment of, I believe, about ten thousand tons per year of magnesium. Originally it had been planned that the new plant was to be build at Gersthofen in Bavaria. The project failed,

however, because of the electric current conditions on the Lech river. For this reason Farben took up Norsk-Hydro's suggestion in the fall of 1940 in order, in this way, to be able to fill the definite order, and found an open door.

- Q In what spirit were these negotiations carried out with Horsk-Hydro, Mr. Haefliger.
  - A In a very fair and friendly spirit. We were friendly.
  - Q Did Farben exert any pressure on Norsk-Hydro in any form?
  - A No, as I have already said, no, not at all.
  - Q Now, how far did these negotiations go?
- A. The negotiations were nearly concluded. A new company was to be formed. The original name was to be Nordisk-Electron Notell. Ferben was to hold fifty-one percent and Norsk-Hydro forty-nine percent.
- Q Now, on what points did you personally assist in working out these contracts?

A Purely commercial matters — fixing the licence fees for the
Farbon processes and patents — licence fees for the necessary auxiliary
operations — for example chlorine alkali electrolsis — regulating the
conditions of the sale for magnesium metal after the plant wont into
operation — operating the plant if the market should fall off. Ferben
guaranteed, in principle, that the new plant in Norway was to have the
same degree of employment as the German Farben plants. If there were to
be a slump it would be in no way more worse off than in Farben's own
plants. I may remark that the licence fees were, of course, fixed with
the assistance of the technical men. I was accompanied by Director
Hoschel and Dr. Buergin asked me to handle the matter for him too because
he had no time to go there.

Q Mr. Haefliger, one final question before we adjourn. Did you handle the financing question which came up in the course of these negotiations?

A No, I was not in charge of that.

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DR. VON METZIER: Would this be a suitable moment for the recess, Mr. President?

THE PRESIDENT: The Tribunal will now be in recess until nine elelock tomorrow morning.

(The Tribunal recessed until 0900 hours, 16 March 1948.)

Official transcript of Hilitary Tribunal VI in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Hurnberg, Germany on 16 March 1948, Judge Curtis G. Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of

America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDE T: You may report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, the defendants are all present in the Court Room with the exception of the defendants Duerrfeld and Jachne who are excused by the Tribunal.

THE PRESIDENT: Are there any preliminary announcements from counsel for the defendants?

(Mone indicated.)

Anything from the prosecution this morning?
(Nothing indicated.)

Dr. von Metzler, you may continue.

PAUL HAEFLIGER - Resumed

DIRECT EXALINATION - Continued.

## BY DR. VOW LETZLER:

Q. Mr. Haefliger, yesterday afternoon we were speaking about the negotiations with Norsk Hydro which led to several contracts for the foundation of a special company, Nordisk Electronmetall, ouncd 51% by Farben and 49% by Norsk Hydro. At the end I asked you whether you had anything to do with financing this new project and you said "No". Now, were these contracts which we were dealing with yesterday afternoon ever signed?

A. No. The signing had to be postponed. At the last minute, to the surprise of both Norsk hadro and Farsen, Dr. Roppenberg appeared in Oslo and interfered in the negotiations, demanding that the Roich should also have an interest in this company and Horsick Lettmetall - that is, the new firm which was being founded, should also have an aluminum production of 12,000 tons per year. He also demanded that an aluminum project of about

20,000 tons a year be included. As I learned at this time, Norsh Hydro and Koppenberg had already been negotiating directly about this.

Moppenberg also demanded that a plant be established for the production of about 3,000 tons per year of cryolote. This is something needed in the production of aluminum.

- Q. What did you do, Dr. Haefliger, when Koppenberg made these demands?
- A. I did not comment on it at Oslo. I said that I would have to report at home. Soon thereafter, at the Vorstand meeting of the 5th of February 1941, I and the technical director, Dr. Moschel, who had also been present at these negotiations, reported about the pressure exerted by Koppenberg. I refer to Prosecution Exhibit 1193, Document Book 65, English page 43, German page 87. Thereupon there was a meeting in the Roich Ministry of Aviation since I had received instructions in the Vorstand to continue to negotiate on this matter.
- Q. Lot me interrupt you, Mr. Haefliger. Was this the meeting in the Reich Ministry of Aviation shown in Exhibit 587 of the Prosecution, Book 65, English page 45, German page 93, which I now put to you?
  - A. Yos, that's the same meeting.
  - Q. Thank you.

Now, please describe to the Tribunal briefly the course of these negotiations in the Aviation Himistry.

- A. The Reich demanded a rather large participation in the Nordisk Lettmetall and tried to reduce Norsk Hydro's participation as much as possible. I recall that the representatives of the Reich, especially Dr. Koppenberg, were rather demanding at these negotiations.
- Q. Mr. Haofliger, was Farbon able to oppose the Reich's wish for participation?
- A. In view of the conditions at the time that was quite impossible and would doubtless have led to strict measures not only against the gentlemen concerned but it would have had serious affects on the light metal field of Farben and would, of course, have had affect on Norsk Hydro itself.

- ?. That was Farbon's line in these negotiations which followed the demands made by the Reich for participation in the newly to be founded company?
- A. Farben tried to save as much as possible of the proposed contract with Norsk Hydro and tried to restrict the Reich's influence in Hordisk Lettmetal as much as possible.
  - 1. Mr. Haofliger, will you please pause between question and answer.

    That participation did Farben suggest for the Reich at first?
  - A. As far as I recall, we began with an offer of 20%.
  - Q. And how did the Reich react to this proposal?
- A. This proposal was rojected. It was said that they were not willing even to discuss it.
- Q. Did you personally advocate an important participation of Norsk Hydro in Nordisk Lettmetall during these negotiations?
- A. Yes. During these negotiations in the Reich Ministry of Aviation I said that Norsk Hydro would make available important land at its plant at Herosen for the new plant and for this reason it should be compensated by being given a considerable participation in the new company. I also stood up for the interests of our aluminum partner, Metallgesellschaft. I was always a defender of the right of private industry.
- Q. Mr. Haefliger, you said that Farben suggested to the Reich to take a share of 20% in Mordisk Lettmetall. What share did the Reich demand?
  - A. The Reich, first of all, demended 51%, but we refused.
- Q. On what basis was an agreement finally reached on the Reich's share?
- A. The final agreement was that Farben, Norsk Hydro, and the Reich were each to own one-third.

- 1. Mr. Heefliger, were you able to arrange that Norsk Fydro, which now received a somewhat smaller share than originally intended in the draft of the contract with Farben, should receive some other compensation?
- A. Yes. I made it an express condition that as a compensation for the smaller share Norsk Hydro should be given an interest in some other nitrogen factory to be built in Norway. I considered these negotiations a good op ortunity to get this compensation spontaneously by way of precaution. There was no such project up for discussion, but it was a valuable promise for future developments which we were able to obtain in this way.
- Q. Mr. Haefliger, did you also try to see to it that the Reich was to return its interest to private hands under certain conditions?
- A. Yes. It was proposed or mentioned that the Reich, as soon as Germany's supply was secure, later in peace time, should return the heldin s of the aviation limistry to private hands. I considered this a possible but more less platonic statement, but at least it was valuable for future developments. Such things have to be set down in contracts concretely, but, at any rate, it was a prospect which was favorable.
- which Your Honors will find in Book 3 on page 65 and which may to in as Haefliger Exhibit 37. This is a circular dated 5 May 1941, signed by the defendant, and addressed to the members of the Chemikalien-usschuss on the negotiations regarding the foundation of the Nordisk Lettastall. Haefliger refers to the conference on this subject with the representatives of the Reich, Cejka and Koppenberg, and states the following. I quote:

"We succeeded, in particular, in having the foundation in Morway effected within the existing Norwegian laws. The application of force has thereby been eliminated and we have insured the voluntary cooperation of the Norwegian group. This was also expressed by the Generaldirektor aubert at a small dejenner on the occasion of the foundation, at which the

16 March 48-M-Sh-2-2-Leonard (von Schoen) Court 6, Case 6 Reichskommissariat was also represented. Dr. Koppenberg, also spoke on this occasion and found words which have all of us a rather plesant surprise." ir. Harfliger, what was the attitude of Morsk Hydro to t is now suggestion for participation in Mordisk Lettmetall? A. Morsk Hydro realized that in view of the situation this suggestion was the best that Forban was able to achieve in their interest too and agreed without further ado. They know and were confident that Ferben had made the best possible arrangement for them too. . When Wordisk Lettmetall was founded, were Morwegian Laws observed? A. Yes, very carefully. Both when the contracts were worked out and when the members of the Vorstand and Aufsichtsrat were appointed. . the worked out the contracts, ir. Haefliger? A. Our lawyers, Meyer-Regelin and Mersten. They also worked with the Morwegian lawyers of Morsk Hydro. Q. Was the majority in the Vorstand Norwegians? A. Yes, according to Norwegian law. . And who was the chairman of the aufsichtsrat? A. The General Director of Morsk Hydro, Mr. Aubert. . Did not Dr. Koppenberg claim this position? A. Yes, that was a big difficulty, but Farben succeeded in dissubding him. Finally, a way out had to be found. A special committee had to be created and he was made the chairman of this committee. It was provided, however, that the authority of the Aufsichtsrat would hardly be effected thereby. I must add that the authority of an Auf sichtsrat in Morway is even loss than in Germany. The Stude or Vorstand has the absolute authority there. 1. Did Dr. Koppenberg, as chairman of this committee, have anything to do? A. No, it was more a question of prestige. One had to agree for 9188

formal reasons. I believe there was only one short meeting of this committee. It lested perhaps a quarter of an hour. Nothing was decided.

One year later, or it might have been eighteen months, approximately,

Koppenberg was recalled. Then this committee disappeared.

- 1. Who was in charge of the aluminum program in Normaly which Koppenberg had originally set up?
- A. Roppenberg had already formed a special company for that purpose by the name of Nordag. Later, it was changed to Hansa Leichtsmetall A.G. It was owned 100% by the heich. This company carried out Roppenberg's plan.
  - 1. What quantities of production were proposed in this plan?
- A. As fer as I can recell, this is what I heard, 2000,000 to 250, 000 tons per year were finally planned. I believe everyone agreed that it was impossible such a plan because about 800,000 kilowatts of power had to be built. I believe that is about three times the capacity of --- that I was specking about yesterday. That took years to build.
- Q. How big was the aluminum factory imposed on the Nordisk Lettmetall by Koppenberg?
- A. 12,000 tons per year. Leter, 12,000 more were demanded, but this was dropped again.
- Q. Mar. Haefliger, in connection with the foundation of Nordisk Lettmetall, was the capital of Norsk Hydro increased?
  - . A. Yes, this necessity later became apparent in Norsk Hydro.
- Q. In this connection the prosecution claims that the French shareholders of Norsk Hydro suffered. What do you have to say about that?
- A. I had nothing to do with financing Norsk Hydro. I wasnot competent for this and did not belong to the Aufsichtsrat. Therefore, I never participated in the negotiations with French banks. Besides, Dr. Ilgner will be able to go into this point in detail.

Q Your collaboration in this Norway project was then limited to the negotiations preceding the founding of Nordisk Lett-

A Yas, assentially. While the contract was running there were repeated discussions which required my assistance in commercial matters. For example, the cryolite plan.

Q Mr. Haefliger, did you have anything else to discuss in this question in connection with the production of heavy water? I refer to 102 of the prosecution. In the electro-mechanical plant of Norsk-Hydro in Femo did you have anything to do with that?

A I had nothing to do with such questions and I knew nothing about them. I heard later, it is true, that there was a laboratory or similar plant which had been destroyed by an air raid, but what this was, I was not told.

Q I now put to you a few exhibits of the prosecution.

First of all 1191, Document Book 65, English page 1, German page 1.

This is the draft of Farben's suggestions for peace planning in Norway. Have you anything to say about that?

Order. I have already said that I never read this academic work thoroughly. I can not remember this Norway work either. At least I never read it. I have not even read it now. I am sure it contains useful material to which one could have referred if necessary. But I was always more of a practical worker because in practice theoretical conditions on which economic considerations are based usually look different and there is always time to adapt oneself to concrete circumstances.

Q I now put to you another prosecution exhibit, Number 1192, Document Book 65, English page 34, German page 63. This is a meeting of the Metal subcommission of 16 April 1940 containing a report by Mayer-Kuester. What do you have to say about this exhibit?

- A I was not present at this meeting. I did not receive the minutes as the distribution list indicates. Moreover Mr. Mayer-auester was a violent Nazi, and we were used to such tirades as are recorded here. Whatever Mayer-Kuester picked up in his circles he accepted immediately and presented it as a positive conclusion. No one took him seriously in this. But one had to accept it because Mayer-Kuester was, to a certain degree, dangerous to those around him. Professor Krauch has also spoken of him here and said that he was an informer. I personally had to suffer greatly because of this man.
- Q Mr. Hasfligsr, I now closs the subject of Norway and shall now take up Francolor. First of all, did you have anything to do with these negotiations?
- A No, this was a matter which belonged to the dye-stuffs Sparte, and was completely outside my field.
- Q If I understand you correctly you were not personally involved in the Francolor negotiations?
  - A Not, naver.
  - Q has the Francolor matter reported in the Vorstand?
  - A Yes, by Dr. von Schnitzler.
- Q Mr. Hasfliger, could you gather anything from these reports which would indicate that French property, as the prosecution says, was being stolen by Farben?
- A No, certainly not. As I said before, I was not informed about the details of the negotiations. The report given in the Vorstand gave me the impression and convinced me that this was an ordinary transaction which had been checked from the legal point of view.
- Q In this connection, Mr. Haefliger, I should like to ask
  you quite generally whether you, as a non-lawyer and commercial max;
  were in any position to judge the legality of the contract with a
  foreign firm and whether this contract observed international law.

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MR. SPRECHER: Just a moment. Mr. President, it seems to me that that question is so broad as to be meaningless and not pointed very directly to anything except one of the conclusions which your Henors must draw from the facts. Objection.

THE PRESIDENT: Well, one might not be a lawyer and yet consider himself competent to pass upon certain legal conclusions. I think he is entitled to say whether he regarded himself as competent in that field for whatever it may be worth. The objection is overruled.

stand all the complicated regulations of international law. We had lawyers for that purpose who were responsible for working out these contracts. For example, the Hagus Mules of Land Warfare — I read them only after Frankfurt was occupied in 1945. I was at that time advisor to the Swiss consulate and I wanted to find out what protection Swiss nationals had in occupied Germany.

Wr. Hasfliger, I should like to put to you Prosecution's Exhibit 369, Book 14, English page 26, German page 41. This is a meeting of 25 September 1940 in which the Francolor negotiations are dealt with, among other things. Did you attend this meeting and the Vorstand meeting of 27 September?

A No, as I have already said I was on vacation in Italy at that time. I saw these two documents only here. France and alsace Lorraine were reported at these meetings. When at later meetings of the Verstand further reports were given, I believe there was already a basic approval.

Q I now close the Francolor subject and come to Alsace
Lorraine -- the question of the leasing or further acquisition of
oxygen plants in Alsace Lorraine. Did you have anything to do with
this?

A No, I never had anything to do with this matter and was never consulted on it.

Q Was the Vorstand given a report on the acquisition of oxygen plants in alsace Lorraine?

A No, in looking at the minutes of the Vorstand I find only reference to lease. That is in a record of the meeting of 27 September 1940. As I have already said, I was not present at this masting. It reads, and I quote: "In comparison to France, a new factor has arisen by the ceding of the old Reich territory Alsace Lorrains, and its incorporation into the German Reich. For the dyestuffs Sparts there results here from the necessity of considering influence on the firms Roesler and Mulhouse, Paris, both of which are in Mulhouss. In this connection Mr. Wab r-andreas reports about the oxygen plants in Alsace Lorraine. Two of these plants in Strasbourg-Schiltighaim, Farban lassad from the State Commissar acting for the Air Liquids and Oxygen's Liquids. Farben has leased them together with the right and the obligation of later assuming ownership of these plants. As for the other three plants, negotiations are still pending." Waber-Andreas probably did not consider this matter important enough to report on it again later, for, as far as I know, Farben and its partners in the Versinigte Sauerstoffwarke GmbH, Linda Eismaschinan A.G., had many dozens of small oxygen plants scatt red throughout the Reich. I did not even know the names of these small plants. I am sure that the defendant Jashne will be able to tell you more about this.

Q In conclusion on this subject I should like to ask, did you have knowledge of this whole transaction in Alsace Lorraine?

A No, it was only here in Nurnberg that I learned of it.

DR. VON METZLER: Your Honors, I am off aring into evidence now Halfliger Document Number 45 which Your Honors will find in Book 3 on page 69 and which may go in as Halfliger Exhibit 38. This is an affidavit of Mayer-Wagalin, former procurist in the lagal department Chamicals of I.G. at Frankfurt. The affiant testifies on the negotiations concerning the lease and acquisition of oxygen works in

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Alsace Lorraine. He states that Haefliger, who was not conversant with oxygen matters during the two years in which he, the witness, worked on this affair, had no share in the affromentioned negotiations and that the commercial side of these matters were dealt with by Mr. Teber-Andreae personally who was assisted by Mr. Ludwigs.

BY DR. VOH HETZLER:

Q Mr. Haefliger, I now come to the subject of Russia where I have a very few questions to ask you. Did you, in any form, as mentioned by the Prosecution have anything to do with the Kontinentale Cel, Ostchemie GmbH, or Soda and Aetzalkali Ost G.m.b.H? Here you in the Vorstand or the Aufsichtsrat of any of these companies?

A No. I had nothing to do with any of these Eastern companies and contrary to the contention of the prosecution I was not a member of the East Committee of Farben. I do not even know whether this committee ever met.

Q Do you know anything about the realization of the alleged plundering plans of Farben in the East?

A Ho, I know nothing about this. As far as I know Farben never took over any chemical factories in the east. I know nothing of Farben's connections in this direction aside from the foundantion of a common sales office in Riga. I know, however, that one of our men was in this trustee company, Soda and Aetzalkali Ost G.m.b.H., but that was purely a trustee and has nothing to do with the business.

Q Mr. Haefliger, in conclusion of your examination on Count II,

I want to ask you the following question. You know that the prosecution charges Farben with having systematically exploited the foreign
chemical industries during the war. Now, can you tell the Tribunal,
from your own field of work, an example showing that this attitude with
which the prosecution accusses the leading men of Farben, is not correct?

A Yes, I should like to cite as an example the case of the nickle mine at Petsamo which is mentioned in the prosecution document.

Q Will you please tell us about this case.

A I do not know whether I should go into this matter in detail.

It would perhaps overburden the record. I believe after examing my
document book one could have a very good idea of this incident. Therefore I need only give a general outline. First of all, there was an

intention of getting a concession in a nickle mine at Petsamo owned by Mond Hickle and Company. I objected to the Finish Foreign Office and I said that this should not be done. In the first negotiations on a private basis with the Finnish subsidiary of the nickle trust, from the very beginning I said that we expected nothing from the Finns, which would look like a plundering of the mine, spoliation, and that the mine would be operated according to customary mining methods, and that we would demand nothing else from the Finns. Also in setting a price, which is very difficult, and calculation of the price was quite impossible under the circumstances, we agreed on a price that we should start with the cost price plus the full amortization and later I managed to arrange that the Finnish company should be paid an extra price to cover increased cost, for the finishing of the plant in the far North. It was a sum of eighteen million marks which the firm received in addition in this way. I had the feeling that the Finns welcomed our attitude and were very much relieved because I recall that they were having negotiations with another power at that time, because in the beginning we were to receive only sixty percent of production and forty percent was reserved for another power. I recall that during these negotiations very strong pressure was exerted to take the concession away and turn if over to this other power and to form a mixed company of which the other power would be in charge. These conditions are recorded in the official Finnish Uhite Book or Blue Book that was published after the so-called Winter War.

Q Mr. Haefliger, what I am interested in primarily is the fact that originally the German authorities demanded that the concession of the Petsamo Mine which belonged to the Canadian or British Company Internation Nickle or Mond Nickle, should also go into German hands.

A I can not say that that was the demand made to us, but that was the intention to demand that, and I opposed this because I considered it an American firm and I didn't want to negotiate with a friendly firm under such conditions. I said that is not necessary to proceed in this way and I object to that for reasons of private industry.

DR. VON METZLER: Your Honors, I am offering now in evidencetwo documents dealing with the Petsamo Mickeli affair. The first document is Humber 46 which your Honors will find in Book 3 on page 72 and which may go in as Haefliger Exhibit 39. This is an affidavit of Mr. Hilger van Scherpenberg, now Oberregeirungsrat in the Bavarian Ministry of Economy. Up to 1 February 1944 the affiant was referent for the Scandinavian countries in the Department for Trade Policy of the German Foreign Office. In this capacity the affiant was concerned with the Petsamo Mikkeli affair and came in touch with the defendant Haefliger. He testifies that due to the intervention of the defendant who took the side of the British, respectively Canadian ownersof the Petsamo Mickle concession, this concession remained untouched despite an intention to the contrary on the part of the German authorities. I am offering next in evidence Haefliger Document No. 47 which your Honors will find in Book 3 on page 75 and which may go in as Haefliger Exhibit No. 40. This is an affidavit of Freiherr Gustaff Woldemar Wrede of Helsinki, Finland, who between 1 September 1940 and 19 September 1944 was managing director of the Petsamo Mikkeli Company, the Finnish subsidiary of the International Nickle Company of Canada, Toronto, the company who owned this concession, in this capacity the affiant participated in the negotiations with I. G. respectively, the defendant Haefliger, concerning the expansion and operation of the Petsamo Nickle Hines. He collaborates the statement of the affiant von Scherpenberg. He furthermore testifies on the friendly, fair, and loyal attitude which Haefliger adopted on this occasion. During the negotiations the terms under which the mines were to be exploited. He ends by saying that he considers Haefliger to be a just and fair minded business man.

- O. Dr. Haefliger, in the exhibit which I have just offered—that is, the affidavit of Gustaf Wolfdemar Wrede, Exhibit 40, it is mentioned that you informed Mr. Wrede of cartain plans of the Reichkommissar in Norway, Terboven, with the purpose of expending his influence by ond Norway. Can you very briefly explain this?
- A. Yes. I consider it important to evoid any misunderstanding here. I had reason to assume that Terboven had cortain ambitions to extend his influence in the north and to take in the nickel interests in the far north of Norway and, in addition to that, he may have had ideas that later Cola would be included in a new Arctic state, that a European Alaska might arise. I never identified these ambitions with the official German policy. In contact with the foreign office about the Potsamo matter, I was always of the opinion that the official attitude was always honest. It was a private idea of the Reichskommissar and, therefore, I was able with a clear conscience to inform my Finnish friend about these ideas and tell him to watch out.
- Q. Thank you, Mr. Haefliger. I now close your examination on Count III and shall go into Count III briefly slave labor and mass murder. First of all, Mr. Haefliger, I want to ask you generally whether you had anything to do with labor commitment and social care of workers in Farben at any time.
- A. No. is a commercial man in the Central Office of Farban in the Frankfort office, these matters were entirely outside my schere of work and my competency. I never had anything to do with those questions.
- Q. Mr. Haefliger, did you know enything about the employment of fortign workers by Farben?
  - i. Yes. I knew quite generally that foreign workers were employed.
- Q. Did you have any influence on the employment of foreign workers as a commercial man?
- As I said, it was not the commercial man who had to decide that. The employment of foreign workers was under the plant management.

- q. Mr. Hacfliger, did you know that from a certain time on foreign workers were conscripted for labor in Germany?
- ... Since this whole subject was so outside my schere, I have only a very vague recollection. In the case of France, I can recall that from a cortain time on there was some sort of labor conscription according to the German pattern which was promulgated by the Vichy government. I recall that at one time I believe it was in 1943—two young Franch pharmacology students from Lyon called on me at my home in Frankfurt and brought me a letter of recommendation from one of my Frankfurt and which it was asked that I should help them to get a good job. I was able to place them in a leading pharmacy in Frankfurt and I later saw them a few times. They were quite satisfied with the work to which they were assigned. In 1944 they did not come back from leave and the owner of the pharmacy told me they didn't want to expose themselves to the dangers of the air raids any more and I could hardly blame them. These young people did not tell me that they came to Germany on a compulsory basis.

There were some Dutch construction workers, too, whom the firm sent to me to reprir some bomb demage on my house in 1944. They did not tell me either that they were in Germany one compulsory basis. They used to sing at their work.

Those were my little personal impressions that I had of foreign workers and I never thought of compulsion.

- Q. Mr. Haefliger, was the Vorstand, the Commercial Committee or the Chemicals Committee over given a report about obtaining or employing labor within Farben?
- Mich you mentioned. I recell only that Mr. Mann once, at the end of a Vorstand meeting, was asked by Gahaimrat Schmitz to speak about the so-called speech of Sauckel on the employment of foreign labor quite generally, not referring to Farben specifically; I might have happened to hear this speech. I do not remember whether labor conscription was mentioned on this occasion. I was not listening very carefully. I believe this was

during the terrible time when one never knew whether such meetings might not end in the sir raid shelter.

I should like to say a few more words which might holp to clarify this special atmosphere which existed from 1943 on to an increasing extent in such meetings and altogether in daily work. From the objective records and minutes one might believe that everything was in order, systematic. Actually, however, this was more and more just a sham and everyone felt an inner tension, an unrest, and concealed fear at the dissolution that was coming because of the murderous air raids. If one reads the minutes of the Verstand TEA and KA new carefully, one can see the collapse which begins in 1943. A great deal was still written; we know that at least a great deal of it would remain on paper. One must have experienced all this to be able to understand that, for example, there must be gaps of memory and I wouldn't ask my worst enemy to meet in inadequat. Fir raid shelters, that his wife and children go through airraids where 2000 and more bombs are dropped dating from 1930.

Please forgive this diversion. I have seen the Chema minutes here.

I have read them all through and I have been able to observe that the obtaining of labor was never discussed, not a single time. There are over a hundred meetings recorded. That was simply up to the management of the various plants.

- G. Thenk you. Mr. Heafligar, when you visited the Bitterfold I.G. plent, did you not telk about labor questions?
- A. No. I visited Bitterfeld shout every two months approximately, but such questions were never discussed.
- Q. Did you never hear that Poles and Eastern workers were brought to Germany by force?
- of how labor was obtained abroad. I assumed, of course, that workers can from the East who were in very difficult circumstances, very difficult living conditions, because of the war and, therefore, preferred to come to Germany where conditions were better. How these people were

actually brought to Germany, I did not know.

I might give an example from my private life here, too. Every evening a little Russian turned up. He seemed cuite free and when Frank-furt was occupied he said goodbye. He was in tears because he had been so well off. He had been working in the garden and we gave him eightetes. He was very happy. He never said that he was here because of compulsion. He seemed outto happy. I came in touch with such cases and that is where I get my impressions.

- Thank you, Mr. Hasfliger. Did you know that concentration camp innates were employed in the Farbon plants?
  - A. No. I learned of that only during this trial.
  - Q. But you were a guest at the TE: meetings a few times.
- A. Yes, I was present a few times as a guest. In order to listen to a scientific lecture which was always given at the beginning of these meetings, perhaps two or three times it happened that at the end of the meeting I came back to the meeting in Frankfurt, having been busy with other things in my office in the meantime, so that I could be present at lunch, because I had been invited.

On such occasions I once heard a report by Dr. Struss on labor. He gave some statistics and in this way I obtained a certain overall view of the question. I cannot recall, however, that Struss mentioned the employment of concentration camp inmates. As usual, there were quite a lot of charts in the room. Some of them were on top of others because there was not enough space. As far as I could see from my seat, there was no writing on them, possible for reasons of secrecy. As I say, no details were given.

- Q. Mr. Haefliger, did you not learn that concentration camp inmates were employed at the concentration camp at Auschwitz?
  - A. No. I learned of that only here.
  - Q. Did you not know the name "Monowitz"?
- A. Here in Nurnberg by conversation with the gentlement what did you say? Didn't you ask me another question?

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- Q. Mr. Heefliger, did you not learn that concentration camp inmates were employed at the concentration camp at Auschwitz?
  - A. No. I learned of that only here.
  - Q. Did you not know the name "Monowitz"?
- A. Here in Nurnberg by conversation with the gentlement what did you say? Didn't you ask me another question?

- 9. Yes. I said "Monowitz." In the Vorstand meetings when credit applications were reported on, wasn't something said about this, about the use of concentration camp inmates at (Auschwitz) Monowitz?
- A. Monowitz was a name that I heard only here. In the Vorstand meetings, no nothing was said about that no.

16 Mar 48-M-AJ-6-2-Frimeau-von Schon Court 6 Case 6 to commit crimes against peace with reference to Count II and III. What do you have to say to this accusation? A. I must very decisively object to such an accusation. I have already explained that I was not aware of any intentions of the Nazi government to wage a war of aggression. Of course, there never was any such conspiracy. My mumbership in the Vorstand as a Swiss citizen and the fact that before 1938 I was occasionally a guest at meetings of the orking committee, although I was at the time Swiss consul, I consider further proof that nothing was ever said in the Vorstand about any proposed war of aggression. I consider this contention of the Prosecution so misleading that I believe I need not say anything more about it. Q. Mr. Haefliger, to conclude your examination, I should like to ask a very few questions about your arrest. When were you arrested? A. On the 11th of May 1945. Q. Have you always been in custody since that time? A. No, thank goodness; in October 1945, because of my state of health, I was released from the prison in Frankfurt, Brendesheim, and was dismissed to my home. On the 27th of December 1945 I was definitely released; at least, I thought this was finel at the time. Q. Whon were you arrested again? A. On the 8th of April 1947 I came to Nurnberg, presumebly as a voluntary witness. On the 3rd of May 1947, one day before the indictment was served, I was arrested. DR. VON METZLER: This, Mr. President, concludes my examination in chiof. THE FRESIDENT: The defendant Haefliger is available to counsel for defense for further exemination. BY DR. DIX: (Counsel for defendent von Schnitzler): Q. Mr. Haefliger, you have told about the negotiations with the Aussiger Verein. When and where did these negotiations take place? 4. With the Aussiger Verein, there were two meetings. One was 9204

16 :c 3-1-AJ-6-3-Frimonu-von Schon Court 6 Case 6 in November and the other in December 1938 in Berlin -- both of them in Borlin. Q. Where in Porlin? A. The first negotiations were in the Dresdner Bank. The chemical factory, von Hoyden, had invited us there because Mr. Zinsser was an Aufsichtsrit of the Dresdner Bank and in this capacity I believe and already contacted Prague. Q. Did my client, Coheimrat Schmitz, attend these negotiations? A. No. I can only recall that in the morning when the gentlemen of the Prager Versin arrived, including Mr. Preiss --Q. Tho is Mr. Preiss? ... Mr. Proiss was the president of the Tiflosteneza Bank -- I bolisve an important person -- and Gohoimrat Schmitz appeared in the Notel -dlon to great him and there was a short conversation and then he went away again. Q. Mr. Haefliger, are you not mistaken? In the record of these nagotications, the written minutes, Geneimrat Schmitz is mentioned as having been present at the negotiations. i. I cannot recall any official minutes being prepared. I believe this is a file note to refresh the memory and one is usually not very formal here. I assume that Mr. Schmitz came in for ten minutes and, in order to emphasize how important the matter was, they thought they should regard that Mr. Schmitz was there but I can recall that he was not present. DR. DIX: Your Honors, this is merely a contribution to prove the reliability of the documentary evidence. BY DR. HOFFMAN (Counsel for defendant ambros): Q. Mr. Haefliger, your examination on Count III gives me occasion to ask you a few brief questions. The first one is; did you, Mr. Mosfliger, know that there were concentration camps in Germany? A. Yes, I know, but one is ashamed to repeat here that one

Mar 18-M-1J-6-4-Primoau-yon Schon Court 6 Casa 6 netually know of only Oranienburg and Dachau. That has become a joke lut it is true. I didn't know any others. Q. Mr. Haefliger, may I ask you then; you know only those two? A. Yos, perhaps here and there I knew that there was a camp -in Hanger, because on acquaintance of mine was there; she didn't tell me anything about it but I knew she was there; I thought that it was a little comp; I wasn't interested. Q. Mr. Haofliger: another question: if you had happened to be at a Vorstand meeting and had there become acquainted with the order to tarloy concentration camp immates, what would you have done? IR. SFRECIER: Just a minute; objection. THE FRESIDENT: Fermit Dr. Hoffman to complete his question - or had you completed it? DR. HOFFMAN: Yos. THE FRESIDENT: The objection is sustained. That is in the field of speculation as to what he would have done under those circumstances. DP. HOFFM.N: No further questions. BY DR. KRAFT (Counsel for defendant Oster): 4. Mr. Hoofliger, yesterday, when examined by your counsel you spoks about Prosecution Document NI-14274, Exhibit 1906, cross examination of Dr. Schneider. This is a record of a discussion at Frankfurt about the Falkenou factory. You attended this discussion and I should like to ask you the following about it: were you acquainted with conditions of the Garman nitrogen aluminum industry? A. No. I was not; that is why we asked Mr. Bachmann to tell us about it, because we had no information about it. Q. Dr. Bachmann was the director of the ". G. for the nitrogen of lime and perhaps, as you said, had helped the nitrogen of lime industry. Did you not make a mistake here inasmneh as Dr. Bachmann was the heal of the German carbide association? A. Yes, that is quite possible -- the carbide -- that is right. 9206

16 Mar 48-M-AJ-6-5-Primanu-von Schon Court 6 Casa 6

Carbide is the product used to produce nitrogen of lime. Most carbide -a large part of it -- is used for nitrogen of lime. I confused that.

That was in a field we didn't know, you see.

16 M r 48-M-MB-7-1-11a Stewart (Int. von Schon)

Q May I assume then that what you said yesterday about Dr. 5: chmann's statements, is assumption on your part?

A What Bachmann told us, on the basis of his own knowledge bout the intentions of the nitrogen of lime industry, for support or non support of a foreign country, I cannot judge what he had to do with it, what the basis of that was, - who decided on it, etc. We just listened to what he said, and then we knew what Falkenau might want to acquire there was such considerations to be remembered, and such and such difficulties to be expected. That was just information that we got in this way from a man whom we considered competent.

DR. KRAFT: No further questions.

THE PRESIDENT: The Tribunal will rise for recess.

(Tribunal in recess until 1045 hours.)

## (AFTER RECESS)

INE LARSHAL: The Tribunal is again in session.

DR. VAN ROSPATT: Mr. President, I ask if the defendants Krauch, Ter Meer and Ambros, may be excused this afternoon because they want to attend the session's before the Commissioner.

THE FRESIDENT: That request is granted, Counsel.

DR. VON METZLER: May I file the same application on behalf of the defendant, Gejewski for the session tomorrow morning?

THE PRESIDENT: Yes, certainly. That request is likewise granted.

DR. MAGNER (Counsel for Dr. Murster): Mr. President, I ask that my client, Dr. Murster be permitted to be absent tomorrow, Wednesday, and the day after, Thursday, to prepare his case.

THE PRESIDENT: That request will be granted, and if some Counsel has in mind asking that the Tribunal be excused, please make it some nice, surny afternoon. We would like to get out.

Anything further from Counsel for the Defense with reference to the defendants in the box?

The Prosecution may cross-examine.

## CROSS-EXAMINATION

## MR. MAEFLICER

BY LR. NE LAN:

If Your Honors please, my questions will primarily deal with Count II.

Q Mr. Macfliger, you testified this morning that you had no knowledge of plunder plans in the East. In this connection I would like to introduce three documents, without comment.

First, NI-14530, which will become Exhibit 1996.

Second, NI-14529, which will become Exhibit 1997, and

Third, WI-14531, which will become Exhibit 1998.

Q Now, Mr. Haefliger, concerning light metal plants in occupied France, do you recall that in July, 1941, you were advised of Farben's negotiations in occupied France? A I recall that in 1941 I was in Paris once, accompanied by
Director Ziegler, on something to do with magnesium. We were very
friendly with these gentlemen, they wented our help for raw materials.

I do not have any definite recollection; they wanted some help from our side to be able to continue operating.

So far as I recall, it was mentioned that in order to supply the French needs, larger quotas should be assigned. I actually never had anything to do with these negotiations. Dr. Ziegler was the man in charge, but for politeness sake I thought it necessary to visit these men in Paris and to see tham.

Q Mes the Ferben employee, Bollmann, particularly in charge of this metter?

A Bollmann was one of the representatives of the Electron Metal Department of Berlin. He had a small office there, the direction of which was in the hands of Engineer Keinert. As his assistant, or the man coordinating with me for commercial matters, was Mr. Bollmann. He received his instructions from the Electron Metal Department, Bitterfeld, and had the negotiations and contacts with the authorities, with the Air Ministry, etc., whenever difficulties came up. I am not informed about the details of his work.

Q Do you recall that Bollmann suggested to contact envoy Hemmen to have him use pressure if a definite understanding with the French Magnesium Industry for the Farben plants could not be reached otherwise?

A I cannot remember that at all. It's quite unknown to me.

MR. NEMAN: Next we shall introduce NI-14521, which will become our Exhibit 1999. This is a letter by Bollmann to Ziegler, and a copy was sent to you. Do you recall that you had asked for and received a promise of the REM that Ferben employees should be made Trustees of the French Light Metal Industry?

- A What do you want me to answer now?
- Q The question is in connection with the document before you and

to you remember my last question?

- I. You said the Trustee of the French Magnesium factories. I must say
  I do not remember that any Trustees were appointed there.
  - 2 And that it was planned or suggested by Farben?
  - a I don't know. I can't remember anything about it.
- I You said yesterday, and also today, that you did not participate in Farbon's new order reports, and that you did not even read them. Isn't it true that while the new order reports were being prepared by Farben, you personally discussed the Grossraum Economy (Big Area Economy) with Dr. Ungowitter on August 16, 1940?
- A I do not remember that either. I have known Dr. Ungewitter since
  the First World War. When I visited him we spoke about all kinds of
  things, very lightly, it was nothing official, and of course, it is
  possible that we discussed such questions as European collaboration. I
  have my own ideas about these things too, as I mentioned in my speeches.
  It is quite possible that I discussed such a subject with Ungewitter,
  but officially I had nothing to do with it.
- Q Now turning to Morway, you negotiated with Norsk Hydro's General Manager Aubert in the summer of 1940, with respect to the erection of the magnesium plant in Norway.
- A That is not right. In the fall of 1940 I did not see Mr. Aubert.

  I heard here that he called on Professor Krauch. I did not see him in Barlin.
  - Q Did you see him in Oslo, in the summer of 1940?
- A Of course I must have seen him the first time that I went to Oslo. That was in 1941 though. My first visit there was in 1941. In April was the occupation of Norway, and then came the interval and then the negotiations were carried out in '41. That was the first time in my life that I was in Oslo. I am sure I saw him then.

THE PRESIDENT: Gentlemen, may I remind you that you are going too rapidly for the translation to reach the Tribunal. Please pause between

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have probably heard heretofore. It is not necessary for you to go into all of the explanations that you think ought to be made. If you go far enough in your answer to give the information that Counsel asks for, your Counsel will have an opportunity to permit you to make further explanations if he thinks it is proper or advisable.

Now, to both of you, please observe the problem of translation here, and see if we cannot get along a little more orderly.

BY MR. NEWMAN:

Q Did you negotiate with Aubert or other Norsk Hydro people in the magnesium project in either 1940 or '41?

A Yes, of course; I said that. Not with Aubert, - he was the head, - I believe I negotiated with Mr. Friksen and Mr. Voss. Aubert was above them.

Q Is it your position that these negotiations conducted by you with Norsk Hydro were caused by the German Reich or its agencies?

A First of all, I didn't conduct these negotiations. I came in only after the Dasic decisions had been reached on both sides. Secondly, I only knew that we had to produce magnesium, that there was a government order to expand the plants in Germany and that this was not possible because of the electricity conditions, and that General Director Aubert suggested that we make magnesium together. We accepted this suggestion with pleasure and got the approval of the Reich Ministry of Economics, that instead of the German project, we produce in Norway. I was not aware at all that this constituted pressure.

Q Now, as to the last questions, I introduce your affidavit of April 23, 1947, which is NI-8972, and which will be our Exhibit 2000. As far as the aluminum plant in Norway is concerned, do you recall that in November, 1940, you were afraid lest the German Air Ministry, Koppenberg, would build up the aluminum plants in Norway on its own account, thereby eliminating Farben as a partner?

A I didn't get the question because I thought I had to look at the document here. Would you -

Q I have no question in connection with your affidavit.

My question was as far as the aluminum plant in Norway is concerned,

do you recall that in November, 1940, you were afraid that the

German Air Ministry would build up the aluminum plants in Norway

without Farben's participation?

A On the contrary, if I had heard of it I would have been glad that Farben would not participate because we were not so eager to get into the aluminum expansion. We would have liked to keep out of the aluminum expansion. I knew this policy. All of the technical men shared this opinion, with the exception of course of the men who were actually producing aluminum. That was obvious of course that they wanted to take care of their brain child and had different ideas on the subject. But during all those years from 1933 on we were always very hesitant to go into aluminum expansion.

Q Does it refresh your recollection when I ask you more specifically whether you reported on such intentions of the German Reich during a lunch you had on November 27, 1940, at the Berlin Club with General Mummenthey (M-u-m-m-e-n-t-h-e-y) and some Farben directors?

A I don't remember -- maybe you think that Mr. Mummenthey as a General was an important personality? That was an employee of mine, or an associate of mine. We took him in as our liaison man at the request of the OKW, I think, because he was pensioned off as a result of an accident and wanted to have a job. We used him as a liaison man. That there was an internal discussion at a lunch; what we talked about--I really don't know. I couldn't know that.

Q Now, turning to Austria and the acquisitions in Austria after the Anschluss. You testified yesterday as to plans in September, 1937, according to which I.G. Farben wished to make Pollak and Phillip partners in its Austrian Anilinchemia, Vienna. Do you recall that such an offer was already made to Pollak and Phillip in May, 1937?

A No, I cannot remember. In '37 I was in America two hundred and ten days, and besides there were a lot of negotiations that I learned about here later from the documents. It is possible that something was done in May about this plan with the Amilinchemie. It corresponded to our ideas.

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Q Now, you also mentioned yesterday that it was an almost unique privilege that Mr. Phillip was invited to attend a KA meeting of Farban in Saptamber, 1937.

A Wall, ---

Q Just a moment; I have not put my question. Just to make it clear for the record, is this the same Mr. Phillip of whom the Furben memorandum of November 14, 1938, said that he is no longer bearable for Bratislava but that he has not yet outlived his usefullness for Farben and should therefore not yet be advised of his imminent dismissal?

Just tell me if this is the same Mr. Phillip--just a

DR. VON METZLER (Counsel for defendant Haefliger): Objection. I don't see what this question has to do with my examination-in-chief. It is quite beyond my examination-in-chief, I think.

ness has not said he knows anything about. If he knows who this Mr. Phillip is, that counsel for the Prosecution refers to, that is one thing. And then if he does know that, whether or not that is the other Mr. Phillip that he has testified about that he knows, he may then say. But there is no identity here of it being the same person except the coincidence of similar names.

Counsel, you should ask him whether he knows the man that is referred to in the subject that you ask about. Then he can say whether or not it is the same man.

MR. NEHMAN: Now, Mr. President, I think I can shorten this by just referring to the document in question. It is our Exhibit 1095, NI-2547, and you will find this in our Document Book 53, English page 92, and German page 127.

THE PRESIDENT: Now, my point is if you wish to press your inquiry, hand him that document; ask him if he knows that Mr. Phillip that is referred to in that document. If he does, then you 16 Mar 45-M-MB-9-L-Schwab (Int. von Schon) Court No. VI, Case No. VI.

are entitled to know whether that is the same Mr. Phillip that he referred to.

MR. NEWMAN: I think, Mr. President, with this reference the record will speak for itself.

BY MR. NEWMAN:

Q Before March 12, 1938, before the Anschluss, was Farben willing, in order to acquire a more active share in the two Austrian enterprises, to give the owners a sphere of influence connected with Dynamit Nobel A.G.?

A I didn't quite get the question.

Wy question is this. Before the Anschluss, was Farben willing, in order to acquire Skoda-Wetzler and Dautsch-Matrei, to give the owners of these enterprises, in consideration for that, some participation of Dynamit Nobel A.G., Bratislava?

A The Skoda-Wetzler and Dynamit Nobel were to be put together, you see. One firm was to take in the other one, and we wanted to get a majority, if possible. That was the whole plan. General Director Pollak, too, saw a sound thing in such a marger, and quite rightly. I think this idea existed before the Anschluss.

Q Now, in connection with this question I introduce NI6070, which will be our Exhibit 2001. These are minutes of the
Austrian meeting of April 19, 1938 attended by you, Kuehne, Ilgner,
and others. I will have no further questions concerning the document.

Now, concerning the Austrian New Order letter of April 9, 1938, which was signed by you and Krueger. Did I correctly understand yesterday that its heading, "Austrian New Order," originated with Krueger, whereas the idea expressed in the letter originated with Pollak?

A I said yesterday that this New Order set down in this letter corresponded entirely with the ideas which had been discussed with Pollak before the Anschluss and with which he quite agreed. One could not call that a New Order then; it was nothing new.

Q This suggestion contained in said letter that the austrian enterprise should work within the framework of the Four Year Plan-did this idea originate with Pollak, or with whom did it originate?

A Well, certainly. This letter was drawn up like this in Berlin. No one can say, everyone knows how the Four Year Plan was used when someone wanted to accomplish something. If you said something is in the interest of the Four Year Plan, then everyone was in favor of it and it was simple to get approval. The Four Year Plan! That was the fashion. It had to be emphasized in everything, even for the most trivial things, 4 years plan, good! Accepted!

Q Now, would you say that the suggestions contained in said letter of April 9, 1936 were made voluntarily on the part of Farban, or ware they done under some governmental pressure?

A The term "Four Years Plan" was put in actually, - as
Profess r Krauch has already said, - the reasons were never discussed
for the Four Year Plan and actually it was so that we had the greatest
difficulty and embarrassment later on discussing what to do with
Koosbierbaum, with the limited labor possibilities caused by the war.
Dr. Kuehne can tell you about that.

Q Just a moment. I did not ask you in my last question about the Four Year Plan, but I referred to the Austrian New Order Letter as a whole. And my question is this. Is it your position that the suggestions contained in this New Order Letter were made voluntarily on the part of Farben, or were they done under governmental pressure?

A This latter arose because of the wish of Mr. Keppler.

He had certain duties down there which he had been assigned by Hitler,
and he wanted to get information. Since I was informed very superficially in the discussions, I said, "Well, we'll arrange it." And
the people who had the information were asked to draw up the letter,

and since Mr. Keppler had asked me, Mr. Krueger sent this letter to me, in Frankfurt, to sign it. And then it was sent on. Pressure? That is a very natural request. There is no point in talking about it. There was no pressure.

- Q You have answered the question.
- A It was information. We thought it was important in our own interests.
- Q Mr. Hasfliger, you have answered the question. I don't think you have to elaborate.

Now, with respect to Farben's dealing with the Kreditanstalt, with the Austrian Kreditanstalt, concerning Skoda-Wetzler--is it not true that before the Anschluss, Kreditanstalt was represented by its then General Manager, Dr. Joham? Is that brue?

A. Joham. I didn't know that. I never saw him before. I assume

THE PRESIDENT: Mr. Defendent, just a moment. If you don't know about it, that suffices. There is no reflection upon you or your intelligence or your association to frankly say "I don't know." That is a complete enswer and it will save much time.

ET IR. NELMAN:

Q. You discussed yesterday Farben's letter to Dr. Johan, signed by you, of March 29, 1938. This was our Exhibit 1071. I call your attention to your statement in said letter, I quote: "In any case a substantial minority is to remain in your"—that means Kreditanstalt's—"possession."

Now is it not true that you withdrew this suggestion later?

- A. No, not I. I said yesterday that that was the only accidental meeting that I had with Joham, to get the statement from him, and that was all I had to do with it. I had nothing to do with the further negotiations which, as I have learned now, eventually led to the Kreditanstalt giving up everything, (which was no doubt the best deal). That was not even mentioned at the time. Then I talked to Joham it was only said that he wanted to get a substantial minority; and I accepted this idea.
- Q. Now, do you know that this suggestion was later withdrawn because in the meantime Farben had won the support of the Austrian Nazi authorities?
- A. I know that later the negotiations led to the whole, or almost the whole of what the Kreditanstalt had achieved being sold. But in my opinion that was certainly not because Farben had received the support of the Nazi authorities.
- Your file notes on your stay in Vienna of April 6, 1938. You testified that in order to oblige Dr. Johan you suggested yourself that Kreditanstalt was to retain a so-called bonus or coupon, that is, some participation in the profits made by 3koda-Ketzler after the sale. Now, is it not true that this suggestion was also later withdrawn?
- A. Yes, it was dropped because there was no minority retained by the Kreditanstalt.

Q. Good. You didn't answer my question.

THE PRESIDENT: That is an answer. He said it was dropped, which is tantamount, I assume, to being withdrawn. Did you mean that it was withdrawn?

WITNESS: There was no basis for it since the Kreditanstalt was ready to give up everything...-

THE PRESIDENT: That is an answer. That is an answer. BY IR. NE MAN:

- Q. Now, is it true that after your preliminary discussions with Dr. Joham, negotiations concerning the sale were no longer conducted with Joham but with Pfeiffer?
- A. I didn't have the vaguest idea about internal matters in the bank. I saw Mr. Johan once and later I heard about a Mr. Pfeiffer—I also met him once. How things were arranged in the Kreditanstalt was none of my business. I know that Johan was still working for the bank. Forhaps he turned over the deal to Pfeiffer. I don't know, it wasn't anything to do with me.
- Q. We shall introduce NI-14503, which becomes our Exhibit 2002, which is a mome by Mayer-Tegolin of September 1st, 1938. Were you also present when Ilgner negotiated the deal with Dr. Pfeiffer?
- A. I remember, when in the beginning of May, '38, we met in Vienna to remove the commissars who had been forced on us, that on this occasion Dr. Ilgner visited the Kreditanstalt, and I accompanied him. That was the first time that I saw Mr. Pfeiffer. The conversation was very brief. In my opinion all that was said was that the trustee companies report to be waited for...
- Q. Now, when you called on Keppler after the Anschluss, did you advise him at the time that Mr. Johan had determined not to part with his Skoda-Wetzler shares and that Farben had given up the matter for the time being, until the Anschluss took place? Did you so advise Keppler at the time?

A. No...no.

- Q. More you personally advised before you first saw Dr. Johan that he had not been willing in the past to part with the majority of the Skeda-Metzler shares?
- A. Well, that was discussed. It was like this: Before the Anschluss the Kreditanstalt was not ready to give up the majority, but at the same time he said, "We will do everything. We will give them a majority defacto, because they can thus choose whatever securities they want." It developed that the instructions of the Kreditanstatt from the government were that the majority was formally to remain in Austrian hands. But we always had the premise of this forty-nine percent plus those securities. We always considered that as, in effect, a majority. This is only another way of put ing it now. Since these instructions were no longer in existence, it was considered a matter of course that the Kreditanstalt was now willing, formally ready to give up the majority. But they would have been glad to keep a certain minority share.
- Q. Mr. Haofliger, you testified yesterday concerning your statement to Keppler on March 13, 1933, to the effect that Farben had already been training Austrians for the past few years. Just a moment. You called this statement yesterday a terminological inexactitude. Just a moment I have not yet put my question...

THE PRESIDENT: Just a moment. That is an argument with the witness and not a question.

Q. I come to my question. Is it not true that two other Austrians, Neubacher and Alfred Peter Theser, (W-i-e-s-e-r) had both fled to Germany because they had been engaged in Nazi activities in Austria and that long before the Anschluss they were hired and trained by Farben?

### A. First of all-

THE PRESIDENT: Mr. Defendant, that is about three questions in one.

If you can answer it yes or no, we will permit you to do it, and if you cannot, we will ask counsel to restate the question.

A. Yes. I can only say that I heard this name Wieser here for the first time and I was not acquainted with the career of Mr. Newbacher and Mr. Wicser. I know that Newbacher later on became mayor of Vienna, but what he was before that I had no idea.

Q. With respect to the Polish dyestuffs factories, you testified yesterday that when you, together with Frentzel, saw Oberregierungsrat Hoffmann in the Rumi, Hoffmann brought up the subject of the Polish factories. Did I correctly understand you that Hoffmann also said that because of the situation it would be necessary to appoint a trustee?

A. You can't pin mo down to details of this conversation. I had nothing to do with those Polish things. If I think it over today, it can only have been like this: Mr. Prentzel was given to me as an assistant to deal with the new confiscation matters of the delivery of goods to Germany, and besides Mr. Prentzel had been for years the limison man from Berlin to Frankfurt and he dealy and continously had assignments to make certain arrangements and to pass them on to the competent authorities in Frankfurt. It was probably like this: Mr. Prentzel was there. I know Mr. Hoffmann because of sulphur matters foreign currency import matters, and he took care of this Polish business, and I don't remember what it was. It was passed on to Frankfurt.

THE PRESIDENT: Just a moment. Counsel, if you will ask simple questions and not complex questions of the defendant, we shall try to help in the matter of this examination by urging the defendant to make direct and simple answers. Now the problem we are confronted with here is this: you are asking very, very complicated questions, which is an invitation to the defendant to talk too much. If you break your questions down in two or three questions, I think it will save time and enable us to urge the defendant to give you a direct answer.

MR. NEWMAN: In fact, Mr. President, I was just repeating what the witness said yesterday.

THE FRESIDENT: I didn't interrupt you, but as to what he said yesterday is recorded in two languages and on the sound track, and if you have any uncortainty as to what he said, it's not necessary to have repeat it because you can to to the record and read it.

MR. NERMAN: In this connection, I introduce NI-2969, which will become our Exhibit 2003. This is a file memorandum from Dr. Kugler on Haefliger's discussion with Dr. Hoffmann on September 9, 1939.

I have no further questions. Mr. Sprecher will go on.
CROSS EXAMINATION

- Q. Just one or two preliminary questions on Count III. Dr. Haefliger, before I begin, are you listening on channel one to the English questions or to the German translation?
  - A. I am listening to the English quastions.
- Q. Thank you. Now, did you hear that any firms in German employed concentration camp workers during the late wer ?

DR. von METZLER: Objection, Mr. President. I don't see any connection with my examination in chief.

THE PRESIDENT: We will overrule the objection upon the theory
that it may be prelimin my. I think the prosecutor will understand that we
are not directly concurred with what other industries may have done. But
as a matter of refreshing his recollection and purely as a preliminary matter,
we will permit the witness to answer the question.

THE WITNESS: No, I had no knowledge of that. But if --BY MR. SPRECHER:

- Q. All right. You had no knowledge of it; that is enough for me. Now did you ask your Russian gardener the circumstances under which he was brought to Germany so he could work for you?
  - A . No, but ---
- Q. All right, that is an enswer. Did you ask the two Frenchmen that came to you asking for a better job in Germany as to the circumstances under which they were recruited to come to Germany?
  - A. No, no.
- Q. Now, I am only asking you for a date. Were you not nominated to be the Swiss counsel in Frankfurt in Movember 1933 or don't you know?
  - A. Yes, that may have been the case.
- Q. Now in lage 1933, did not Carl Bosch raise with you some questions concurning your nomination as Swiss counsel because you were then conducting various negotiations for Farbon of a confidential nature with the German Ministry of War?

DR. VON METZLER: Objection, Mr. President.

questions and is only calculated to consume time. We like few questions, but we'd rather have more and simple questions than few and complicated questions that provoke arguments here. Why don't you start out, Mr. Presecutor, and ask him if he talked to Bosch about the matter. Pursue it step by step. Then you will save a lot of time here.

MR. SPRECHER: Well, I suppose I ought to make some limitation of time, and that is the only limitation I thought I made, apart from the questions as to whether or not Bosch talked to him concerning his appointment because of military negotiations.

THE PRESIDENT: Woll, the objection has been sustained to that question.

## BY IR. SPRECHER:

- Q. Did Bosch talk to you about any negotiations you were conductin with the Wehrmacht in connection with your nomination as Swiss counsel?
- A. No, I spoke to Mr. Basch alone only once in my life. He represended me for becoming Swiss counsel without his permission.
- Q. All right. I introduce in evidence in this connection, NI14662, which will become Prosecution Exhibit 2004. You testified on
  Friday that you admired the Swiss nation with its democracy and its
  peaceful policy. As a matter of fact, before the last war broke out,
  did you not express yourself as admiring fascisim in Italy and nazism in
  Germany?
- A. I know what you mean. A telegram was sent to our representative at Milan. Our representative congratulated us on the seizure of power in very flowery terms, and we had to answer him. I believe the answer was very sober compared with his flowery congratulatory telegram. That we just a matter of politoness; nothing else.
- Q. Now in that connection I introduce MI-7387, which will become Prosecution Exhibit 2005. This is a letter from you to Perrario in which you use the first person and not the language of a firm or a collective approach. I have no further questions about it. Isn't it true that from

1934 until 1938 you attended the mostings of the working committee of the Verstand Whonever you were in Germany?

- A. No, I cannot say that. I attended several moutings as a gue-t. Mostly, you will find that Mr. Never-Andreae was not present on these occasions. As to how often that happened, they must have been very soldom.
- Q. Bid you obtain purmission from the defend at Schmitz in 1934 to attend meetings of the working committee whenever you wanted to?
  - A. Yos; Mr. Schmitz ---
- Q. That is satisfactory, if he gave you the permission. From the time you became a deputy member of the Verstand on, did you not receive a participation in the profits of Farben just like a full Verstand member in addition to you fixed salary?
  - A. Yus, of course. I had a contract with commission.
- Q. That is an enswer. Didn't you write Tober-Andreae that you thought the high responsibility you were given in the Verstand in negotiating contracts among other things was such that you should become a full Verstand member?
- A. Yes. Certainly I had ambitions at the time to become a regular Verstand member if possible and argued my case.

THE PRESIDENT: That is a sufficient answer. You said you did, BY MR. SPRECHER:

Q. Did you receive any private income from sources outside Germany, or was your income restricted to German sources?

DR. VON LETZLER: Objection. I really don't so what this has to do with the examination.

THE PLESIDAT: I am at a loss to see the material quality of how it is connected with this case, unless you can tell us, Mr. Prosecutor.

Which is in evidence, but the thing I had in mind was that there was a lot of testimony about the witness's loyalty to Dwitzerland and .....

THE INTERPORT: Well, cortain's the fact that he may have had some income from some place else would not affect his loyalty, it seems to me. That is prutty rample.

## BY BR. SPANCHER:

- Q. How many times were you in Switzerland after the outbreak of the war in 1939?
  - A. I believe two; perhaps three times at the most.
- Q. You tostified you were there once in 1942. What other occasions do you recall being there?
- A. In 443 and in 344. It might have been twice, it might have been three times; I am not sure. It was always the same reason: the alumina deliveries for the aluminum industry at Neuhausen which had a plant in Germany that supplied us. There was some difficulties connected with the mother company in Switzerland which had to be removed.
- Q. Now in connection with your position in the Verstand beginning in 1934, I would like to introduce FI-4444, which will become Prosecution Exhibit 2006. This is a letter from you to Web r-Indreas. I have no questions about it. How I understand your testimony in the last two days to indicate that you had a small amount of knowledge concerning production plans because you were a commercial man. In that connection I want to put a few documents to you rather rapidly. Our NI-14530 will become Prosecution Exhibit 2007.

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THE IR SILENT: What is that NI number, pleaso?
BY MR. SINTCHER:

Q 14580. This is an extract from a conference in Bitterfield on the 17 of June 1935 concerning ferrous alloys, of which you received a copy. Does that refresh your recollection that you were informed of the storing of tunhstem ores in connection with the request of the Helen Ministry of War, the HWA ?

- A You said I got a copy, that is not true, I never saw this.
- Q Well, will you look at the distribution list, please.
- A Thore is no distribution list on hor ..
- Q To will show you a photostatic copy. If it still doesn't refresh your recollection, just say so.
  - A I have to read it.
  - 4 I am only interested in the first paragraph.
  - A Tes, of course it's quito clear ....

THY PRESERVE: Take your time. Just a mement, please. The witness is asked when and how he received this document. He is entitled to a reasonable opportunity to how its contents before he answers. Go over it as rapidly as you can and familiarize yourself with it, and then tell us.

THE WITHISE: Well, I can see from the carbon copy that I am mentioned here on the distribution list. Actually, soon after '33, I was in touch with Hr. Keppler and with all other producers of formus alloys. Hr. Keppler had the assignments to investigate the German ore deposits and to find out whother there was anything worth using.

THE HESTERM: are Defendant, the question is simple. The prosecutor has asked you as to whether or not this document now refreshes your mind so that you can say to the Tribunal whether or not you did or did not receive a copy of this document.

TIP VITAPSS: I assume so; I don't remember it, but ....

THE PHSDINT: Well, that is an answer. That is sufficient. Wait for another question now.

16 Har. Lb-N-GJ-12-2-Maylord-

#### FY 1CR. SPINCHER:

Q Did you know of the objectives of the German Government to move the production of metal alloys and light metals, to Central Germany instead of maving such production at the borders of Germany?

THE IRESIDENT: Perhaps you better fix a time now. "e probably knows it now but --

### BY MR. STRECKUR:

Q I mean before 1939; between 1933 and 1939.

TID. PR'SIDENT: Now that is just a question. Did you now of it between '33 and '39?

THE VIRLISE: No.

## BY MR. SPELCHER:

Q In connection with your testimony that you considered stand-by plants to have been prected for peace time requirements, I want to introduce in evidence NI-14668, which will become Prosecution Exhibit 2008. If you appear on the distribution list, I have no further questions.

ich. Simicar: No, Mr. President, we weren't able to process quito all of the documents.

TIP JERSTOWNT: Now that is NI?

MR. SPRICHER: MI-14674. I am sorry, I beg your pardon; 1/666.

THE TRESIDENT: And it will take exhibit number?

THI. PRESIDENT: We do not have that exhibit.

MR. SPRECIFIR: 2008.

THE HPFSIDLMT: Thank you.

# BY MR. SPH.C.ER:

Q Fore you informed that Major Czimatis, C-z-i-m-a-t-i-s-, seted in conference both as a representative of the office for raw materials and for an exchange as well as a representative of the Reich War Ministry in negotiations concerning light metals in the year 1936?

A No, I was not informed about I.r. Czimatis' functions. I did not know what they were.

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- Q Were you made aware of the interest of the army in a so-called "alleged crisis" in the light metal field during the year 1936, at the very beginning of the Four Year Plan?
  - A I don't know about any crisis at that time.
- Q Inthat connection, I would like to offer in evidence NI-1h67h, which will become Prosecution Exhibit 2009, as well as NI-1h669, which will become Prosecution Exhibit 2010. Were you aware as early as November 1935 that the production of aluminum was being geared to the requirements of Germany in the case of war?
  - A his being?
- Was being grared synchronized; was being developed in connection with Ge many's requirements for the case of war?
- A No. I always thought that the aluminum expansion was connected with the idea of autorehy and automobile expansion.
  - Q In that commection, amy we offer --
  - A I don't remember anything about mobilization plans.
- Do you recall about certain discussions in which it was decided that it was necessary to build further aluminum plants in so-called protected areas? And I refer to the period 1935 and 1936.
  - A lio.
- Q In that connection, I offer Prosecution Exhibit NI-14670, which will become Exhibit 2011. Now in connection with light metal supplies during the war and in connection with nickel particularly, you have submitted a document, Haefliger Document 47, Haefliger Exhibit 40, from one, Earon Wrode, W-r-e-d-e. Were you informed that Biron Wrode, W-r-e-d-c-
  - A Wrede Yes, yes.
- Q Were you informed that Wrede gave assurances that Germany didn't have to worry about nickel supply as soon as the condition in Finland became clarified according to German ideas? I refer to the period 1961.
- DR. VON METALER: Objection, Mr. President. I don't see what this question has to do with my examination in chief, because when I quoted

this instance, I asked the defendent about this i stance only with
the view to show his general attitude towards foreign property
or enemy property, and I don't know what this question of Mr. Presecutor
has to do with my examination in chief.

THE PRESIDENT: What is your purpose, in Prosecutor?

MR. SPANCARP: Well, Mr. Prosident, I have a number of purposes in mind, but it's one thing for a defendent in this case to testify concerning how well the Finns received him when that particular Finns he is referring to was admittedly a collaborationist who was attempting to get Germany to make a German orientation in Finnland.

THE PRESIDEAT: Your question hardly reaches that point, does it?

LR. SPEPCHER: Well, I don't think I have to lay all the import of my question in one question.

The PIFSILINT: Well, we will permit the witness to answer it is no can, but get to the point and not too much preliminary, please. Do you understand the question?

TIB. WITHFab: No.

THO. PHOSTINIT: All right, repost it.

BY MR. SPAFOFRE:

Q Dad Paron Wrede inform you that he was one of those Finns who wanted a German orientation politically in Finnland?

The second in Mow, Mr. Witness, you ought to be able to answer that question with "yes" or "no".

THE TITHESS: I do not remember.

BY IR. SPhr Chil?:

Q Did you talk to the German foreign office about the position: of Baron Wrede in connection with your assignment in Finnland?

A I do not remember exactly, but I assume that I told the foreign office, for they had to be informed of it about the fact that Wrede could have made a very energetic and active man who was willing to take care of the obligations.

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Mr. Wrude was not a friend of the Germans. "E was a Finn. He represented his country's interests, as they considered at the time, to the utmost.

In that connection, we will offer NT-14667 as Prosecution Exhibit 2012. Now a very few questi as about the retual uses of the Forben electron metal in Germany before the war. Were you informed by the year 1938 that from the years 193h through 1938 Farben's production of gun carriege whoels from electron metal increased yearly until it reached to five hundred tens per year by the year 1938?

- A. I don't remember.
- Q. Were you informed in the year 1938 of the pioneer work which Farben had done in developing and testing electron metal for gun carriage wheels?
- A. I know that experiments were made in Bitterfeld and everywhere for the application of this metal, for heavy trucks, caissons, and wheels, other things too. But I didn't know any details,
- Q. Didn't you know in the year 1938 that Farben electron metal was predominently used for German armaments in all three branches of the Wehrmacht, namely, the Air Force, the Army, and the Mavy?
- A. I knew that deliveries from Bitterfeld had to go to places designated by the PLH for processing, but how much that amounted to I don't remember. I only know that the very largest part of electron metal went to numerous casting plants. I think there were over 200. What they were actually used for I really don't know,
- IR. SPRECHER: In that connection I will introduce NI-10628, which will become Prosecution Exhibit 2013. This is a letter from you to Ziegler at Bitterfeld concerning this point among others, along with his answer to you. I have no further questions about it.
- Q. (By Hr. Sprecher) Now, Defendant Haefliger, Austria was occupied by German troops at daybreak beginning on the 12th of Harch 1938. Before the 12th of Harch 1938 did you inform Hayer-Kuester in Paris to leave Paris too soon rather than too late, because of the possibility of war, in case Hitler used force against both Austria and Czechoslovakia?
- A. I do not remember this letter, but there are a few things to be said about this. It is obvious that the political tension at the time, after Schuschnigg had called-off the plebiscite, was very great and I can remember that I thought if the war started to spread, what would Italy do. The situation was tense. Those were assumptions on my part, obviously.

- Q. You acted on your assumptions, did you not?
- A. Beg your pardon?
- Q. You acted on your so-called assumptions?
- A. Of course, just assumptions.
- Q. Now, at least after the Austrian crisis in 1938, did you not repard mobilization questions as matters which were deadly serious in their importance?
- A. I always thought it was a matter of course that for a mobilization there have to be certain mobilization plans for economy, because, after all, war is something that affects economy too, and I considered it a matter of course that mobilization measures were measures which could show how serious the situation was only.
- Q. At the time of the Austrian crisis in 1938, did you feel that the danger to the Farben headquarters in Frankfurt was sufficiently serious in case of war so that it was unwise to enlarge the buildings in Frankfurt at that time?
- A. I believe that at that time it was the intention that the big building in Frankfurt was supposed to be expended. I do not remamber the year exactly. But years before that I had always held the view that it would be better if the chamical —
- Q. Just a minute, Defendant, just a minute, Defendant. I wasn't asking you about your prior feelings about moving to Berlin or not. I was asking you about the Austrian crisis, and whether or not at that time you felt that the crisis was sufficiently serious with respect to the eventuality of war so that you recommended for that reason that no enlargement be made of the headquarters in Frankfurt.
- A. The expansion of the headquarters at Frankfurt, that was something that went on for months. It was always being brought up, you can't say just because of political tension that it was dangerous. One can imagine anything at such a moment. One can say, "Yell, in the event of war, would France attack?" We did not know what was coming.

We had no way of knowing when something like that starts, where it would and. I was thinking, "If Italy comes in, and Prance comes in, there will be planes over Frankfurt. That is dangerous, and it would suit me to say that it would be better in Berlin."

- Q. All right, now the Commercial Committee held a meeting on the 11th of March 1938. The first matter on the agenda was the mobilization question. This entry, Your Honors, will be found in Protection Exhibit 250 in MI-7621, and that entry simply states, "Dr. won Schnitzler reports on the present situation and the measures to be taken in the future, and informs the Committee that to begin with, he and Dr. Ilgner will approach the competent authorities on the basis of the available documents". This is found in Document Book IX, English page 69. Now, my question to you is directed to that meeting of the Commercial Committee on the 11th of March, 1938. At that mosting, did the Commercial Committee consider the transfer to Berlin of those departments of the Chemical Sales Combine that is your Sales Combine, which had the greater amount of dealings with armaments for military sconomy?
- A. Yes, that was the idea. That was my idea, that the emphasis of chemicals was in Central Germany. There were a good many connections with Bitterfeld. Therefore, since economic control was getting stronger especially in such fields, it became very obvious that we always had to go to Berlin from Frankfurt to arrange such things, so that our department chiefs were constantly in Berlin to discuss questions that came up and consequently it is quite —

THE PRESIDENT: You answered the question. That's enough of an answer.

Q. (By Mr. Sprecher) Was it not decided at that meeting that
the proposed construction project for enlarging the Frankfurt headquarters should be postponed until you could investigate the possibility

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of the transferring to Borlin those departments of the Chemical Sales Combine which had the greater amount of relations with armament and military economy.

- A. First of all, the Commercial Committee had nothing to decide about the expansion at Frankfurt. In the second place, I know —
  I recommended the idea of the transfer to Berlin. I suggested it,
  and I know that Dr. Ilgner welcomed the suggestion and that he wanted
  to cooperate. He said, "All right, present you arguments. Tell us
  what reasons there are for going to Berlin." And it is obvious, when
  one has such an intention I thought it was right to move the department to Berlin that one emphasizes such arguments, but that
  was not decisive. The decisive thing was the difficulty in allocating
  all these materials, but all that is only part —
- Q. Defendant, I was merely asking you if the Commercial Committee on the 11th of March, 1938, did not decide that the enlargement of the hesiquarters was to be postponed until you could make an investigation of the possibility, I mentioned. Now was it or was it not?
  - A. I do not remember any such decision....

THE PRESIDENT: That is sufficient. You said you do not remember, it is a good answer.

- Q. (By Mr. Sprecher) Just before the invasion of Austria, did you personally not know that Hitler would invade Austria for cortain and that the quick thrust into Czechoslovakia might also take place?
  - A. No.
- Q. Now, after the occupation of Austria in March, 1938, the first aggressive act of Hitler, did you seriously consider returning to Switzerland, the land of your birth, at any time?
  - A. I thought of that again and again.

THE PRESIDENT: That's enough.

IR. S PRECHER: Now, Your Honor, the next document I wish to mark in evidence is NI-14507. This will become Prosecution Exhibit 2014.

Q. (By Mr. Sprecher) This is a memorandum which I would like to have you look over during the recess. It is signed — This is a memo which is signed by you. It is marked "Secret". The subject is, "The Construction Projects in Frankfurt and Berlin". It is dated the 16th of March, 1938, but it speaks of the meeting of the 11th of March, 1938, the meeting of the Commercial Committee of that date, so there were five days between the time of the Commercial Committee Meeting and the time you wrote this memorandum. May I ask you, to whom you addressed this memorandum?

THE PRESIDENT: In. Prosecutor, it is time for us to rise fo lunch. May the defendant have the exhibit over the noon hour?

I.A. SPRECHER: Well, as I understand it, he east with the other defendants and I'd like to have --

THE PRESIDENT: I mean, may he have access to it before the Tribural comes back? If you intend to interrogate him about it it will probably save time.

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A. .....

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IR. SPRECHER: Yes, may we make arrangements for him to have it given to him when he returns to the court room and sits in the witness box?

THE PRESIDENT: Well, that won't save us any time, I was hoping --

II. 3PRECHER: He returns before the session begins and will have plenty of time to read this three-page document.

THE PRESIDENT: See that he gets it in time to read it intelligently before he takes the witness stand again in the interest of saving time.

Just before we recess may I say that the Tribunal's Commissioner,
Hr. Hulroy has informed us that he has an interregation this afternoon
scheduled for 1:30 that may or not involve or interest the Defendant
Krauch. Dr. Drauch, you may use your own discretion. If you care to

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attend the Commissioner's hearing you are free to do so if you do not, you may come back with the other defendants.

The Tribumal is now in recess until 1:30° (A recess was taken until 1330 hours.)

# AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 14 March 1948.)

THE MARSHAL: The Tribunal is again in session.

DR. PAUL HAEFLIGER - Resumed

CROSS-EXAMINATION (Continued)

## BY MR. SPRECHER:

- O. Dr. Haefliger, my assistant, Miss Raphael, gave you our Document, Prosecution Exhibit 2014 at thirteen minutes after one. Have you had a chance to read it through?
  - A. Is this NI-14501?
    - Q. No, that is NI-14507.
    - A. Oh, that is a "7." Yes, I have got it. Yes.
    - Q. Now, to whom did you address that file note?
- A. I have read it through. I don't know to whom I addressed it. I assume that it went to M. Waber and Dr. Buhl.
  - Q. Weber-Andreae, did you say?
- A. Yes, I assume to Weber-Andreae, but I cannot determint it. I don't know whether it was perhaps destined only for my own files. I assume that it also went to Dr. Buhl, but I cannot determine that.
  - Q. Buhl, B-u-h-l, is that right?
  - A. What?
  - Q. Dr. Buhl, B-u-h-l, is that right?
  - A. Yes, Buhl.
- Now, in that document you use three words in quotation marks, speaking of "the short thrust" That kurze stoss." When did you first hear about the proposed "short thrust" into Carchoslovakia?
- A. When I read it, Dhoticed that, I must have heard of this expression only during the meeting. When this complication with Austria was discussed it must be mentioned by someone. That was a completely strange expression to me. It was all new to me. But I can say again what fears we harbored at the time, namely that the operation in Austria might

have serious consequences. I remember this meeting of March, 1938, very wall, when we suddenly received news during the meeting that Austria had been occupied. This came as a complete surprise.

- Q. Now, Defendant, just a minute, Did you say you received news that Austria had just been occupied?
- A. Yes, that is what it says, and I remember that during the meeting in Berlin we suddenly received news that a telephone call had come ' from Munich from the firm of "Wacke," which was a firm friendly to us, to the effect that troops were moving and that it was evidently intended to occupy the country. That was a complete surprise for all of us. I remember that distinctly. Then we, of course, discussed it. One didn't know what would happen with Itely, for Itely had guaranteed certain areas of Austria, I believe. One assumed that Italy might march in. One thought that the French troops might be deployed, etc. Serious danger was seen. This atmosphere was used by me to point to my former hobbhorse, I might call it. For years I had a gain and again expressed the opinion that it would be more proper to move the heavy chemicals to Berlin; and I used this moment to reiterate. I said: You can see again how dangerous it would be if an air raid should come from France; at that time, of course, one believed that Berlin would be a perfectly safe place. That was another reason. This is also expressed in this document: It says, "Under these circumstances, of course, the conference on M-matters took on highly significant features. We realized suddenly that like a stroke of lightening from a clear sky, a matter which one had hitherto treated more or less theoretically, could become deadly serious."

THE PRESIDENT: Mr. Defendant, please, we cannot keep orderly procedure here unless we have some limitation on your answers. The Tribunal mishes to be liberal and give you a full opportunity to express yourself, but try to keep in mind the question that was asked and stop when you have answered that question and wait for another, please. Ask another question; Mr. Prosecutor.

- G. (By Mr. Sprecher) Mr. Witness, the document itself mentions that the meeting was on 11 March. That is confirmed by Prosecution Exhibit 250, which refers to the Commercial which is the minutes of the Commercial Committee meeting of 11 March 1938. Now the invesion of Austria did not take place until the 12th, that is the next day, in the morning; you know that, do you not?
- A. I don't know that. I only know that on the 11th of March when we held this meeting I assume that you are right, that it was the 11th that we received a telephone report from Munich, or from the firm of Macke, which is nearer the border, and I recall that Dr. Fischer gave certain information that troops were being mobilized in Bavaria. Whether troops moved into Austria on the 11th or early on the 12th, I don't know. At any rate, this alarming news reached us during this meeting, to the greatest surprise of all of us.
- 9. You don't know who mentioned "the short thrust" into Czechoslovrkis to you, do you?
  - A. No, I have no idea.
- O. Now, I have a very few questions about your Swiss citizenship.

  During the war you testified that you had your residence in Berlin. When did you move there?
- A. I can't remember the exact date. I maintained a second residence for suite some time in Berlin, and I kept traveling back and forth between Berlin and Frankfurt. I moved to Berlin definitely shortly after the outbreak of the war, but I had already maintained a residence there before that time.
- Q. During the entire First World W.r, word you not head of the Garman War Acids Commission in Berlin?
- A. No, that is too much to say. I was only a small scoretary at that time. I was 22 years old, 23 years old, no, excuse me, I was 28, but at any rate I was very young. I was General Director Plieninger's secretary before he took over an honorary office which was called, War Acids Commission.

- Q. All right, Wor Acids, not assets,
- A. Acids.
- Q. Now, before the Second World War broke out in 1939, had you not personally expressed the desire to become a German citizen?
  - A. No.
- O. Before September 1939, did not the Vorstand of I. G. Ferben express the desire that you should become German—that you should not become a German citizen?
  - A. No, by no means.
- Q. Did not the Verstand state that you should not become a German citizen because of the interests of both the German Reich and of I. G. Farbon?
- A. No, I believe that you could save yourself all those questions if you asked another question. No.
- 1. Thank you. Will it refresh your recollection if I mention in that connection that certain preparations in the case of war were under way in which the question of your citizenship would be important for those preparations. Does that refresh your recollections?
  - A. No, no. I will come to that.

Q. Before ---

Defendent, at the request of both your counsel and myself, will you go just a little bit slower so that we don't get the light?

Now, before the wer broke out, is it not a question—is it not a fect that the whole question of your citizenship was taken up with the Military Economy Staff of the High Command?

A. We are concerned here with a step which was undertaken by Dr. Krueger in Berlin with the purpose of having me loft in peace as a foreigner so that I could perform my duties in the firm. I didn't want to be bothered by these stringent regulations, and Dr. Krueger took it upon himself to arrange the affair for me in his own way. As a result he wrote a letter which I saw only after several weeks, and with the composition of which I had nothing to do. When I received that letter I was surprised at the peculiar contents, the way they were formulated, but I couldn't change anything in it any more because it had been sent out long ago.

This letter was put to me on 11 May, 1935 at Frankfurt by an official of the C.I.C. as especially incriminating. I then stated immediately that I had learned of the contents of this letter only long after it was written, but I couldn't prove this yet at that time. This proof has by now been brought, and must be among my files, because I did not rest until this matter was finally clarified and thank Gou I received the support of Mr. Dewine, the interrogator, who promised that he would settle this matter in my files. Therefore, I consider it odd that I am again questioned about this matter, without being told that the whole thing has already been clarified in the official documents.

Q. We will come to the documents in a minute. Now, you testified that after the war began, it appeared that you were superfluous in Frankfurt, and hence you moved your residence to Berlin. Is it not a fact that those arrangements had been made even before the war broke out?

A. No....

- Q. That is all right.
- A. No, only efter the wer broke out did I transfer my main residence to Berlin. Before that I was frequently in Berlin.
- Q. My question was whether or not the arrangements were made before the war broke out that you would be transferred to Berlin in the
  case of war?
  - A. I can't remember that.
- Q. Now, I would like to introduce NI-14661 as Prosecution's Exhibit 2015. I am giving copies of this to you: it is the letter of Dr. Krueger and the defendant von der Heyde to the Military Economy Staff of the High Command concerning you, which was written on 11 August 1939.
  - I s that the letter which you saw shortly efter the war broke out?
  - A. Yes, that is the letter.
- Q. Now, weren't you informed before that letter was written that the defendant von der Heyde and Dr. Krueger wanted to take this matter up, or were commissioned to take this matter up by Farben, in order to see that certain desires of Farben were maintained in this matter?
- A. I cannot remember that the formulation of this letter was in any way discussed. Mr. Krueger stated to me at the time, "I am going to arrange this in my own way. You can leave it to me. I will get this matter settled, to have you protected."
- Q. Do you recall that the defendant von der Heyde wrote to you about this matter several months before the war broke out, in 1939?
- A. Yes. The regulations about foreigners in Germany became more and more stringent.
- Q. Just a minute, Defendant. I asked you a simple question. Do you remember that the defendant von der Heyde wrote to you about this matter before the war broke out, in the year 1939?

THE PRESIDENT: He said yes.

A. Yes, and....

MR. SPRECHER: That is an enswer.

THE WITNESS: This is the letter:

- Q. (By.Mr. Sprecher) Do you recall having received a communication from the defendant von der Heyde <u>before</u> you received the letter of 11 August 1939, which is in your hand, about this same matter?
- A. I can remamber vaguely that he wrote me a short letter at one time in which he stated that Mr. Kruager had given him the mission to take care of this matter, and he was now going to deal with it. He asked me for various personal data. He wanted some information to write that letter,
- Q. All right, I will introduce WI-14563 as Prosecution Exhibit 2016, and you will be shown a copy of this letter.

After you have read it through, will you tell us whether you remamber this incident more clearly?

THE PRESIDENT: Mr. Prosecutor, while the defendent is locking as the letter, I might suggest that the Prosecution had better take a little account of the clock too.

MR. SPRECHER: Yes, your Honor.

- A. Yes, that is a lotter that I received in Jone 1939.
- Q, (Ey Mr. Sprecher) All right, Now I show you I will also introduce in this connection, without any questions, NI-14664, which will become Prosecution Exhibit 2017.

Now, one lest question: do you remember taking up on 29 August 1939 certain questions in Frankfurt concerning once again what was to happen in the Frankfurt main headquarters in the event of war, in connection with mobilization?

. On 29 August 1939—that was just around the time when the war broke out, I was in Berlin. I cannot remember—I returned hurriedly from Switzerland because the threat of war was becoming greater, and arrived in Berlin on approximately 22 or 23 August, and I remained there. I can't remember, But the situation at that time was extremely serious: I know

that I came directly from Switzerland by car, went directly to Berlin, and in the Herz-Mountains I received the news of the pact concluded between Molotov and Ribbentrop. That was a great relief for me. I thought perhaps the matter would be straightened out and no complications would arise; but undoubtedly the situation was very serious.

Q. Did you talk about the mobilization of the Frankfurt headquarters in the event of war, during that meriod after you returned from Switzerland, toward the end of August, and the time when war actually broke out on September 1939?

A. I can't remember that. I know only that the mobilization plans had been issued and that I was surprised by the confiscations of certain products of which I had not known previously. I used that occasion to suggest to Mr. Weber-Andrese that, since I had no further work to do in Frankfurt, I should now take over a mediating function in Berlin in order to see to it that the agencies dealing with the confiseations, that is the Reich Group Chemistry, Dr. Ungewitter, should with our experts work together for the various products so that as far as possible no confusion should be created. At that time I did not know that all that had perhaps already been properly discussed. I didn't know that that had been done plready. I took over this mission at the request of Waber. I moved to Berlin, got the various people together with Mr. Ungewitter and saw to it that they were heard, and then this whole affair was very soon dropped. I suggested to Mr. Weber-Andreae, and he, as for as I remember, urged me to retain my residence in Berlin and work for Department M, with an office on Kurfusrstenderm. That actually was done.

MR. SPRECHER: All right, we will losve it with your explanation for the time being. No further questions.

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THE FFFSIDFal: Any redirect examination, Counsel?

DR. VON LEGZLER: Yes, Ar. President. May I make one brief observation on the cross-examination of the defendant? There have been put to the defendant during his cross-examination a great deal of partly rather lengthy documents, and in connection with these documents no questions have been put to him pertaining to specific parts of these documents. Ther fore, all these documents are in my opinion entirely subject to re-examination. On the other hand, the defendant did not have sufficientitime and opportunity to study these documents, and therefore, I would respectfully ask, in view of this fact, to postpone his re-examination so as to give him sufficient opportunity to read these documents, because I am afraid that otherwise I am not in a position to conduct an effective re-examination, and if the Tribunal should be willing to grant this request I wouls suggest that maybe this-re-remmination can be started tomorrow after the afternoon break, because tomorrow morning I have to attend to a session before the commissioner, who is examining a witness of Gajowski.

THE PICSIDERY: Counsel, the Tribunal is impressed with the idea that there is some merit in your point. However, we are also concerned about maintaining orderly procedure and keeping within reasonable limitations with respect to the schedule that we have adopted. I am wondering if we should grant your request and postpone the redirect examination in order that you and your client should have some opportunity of knowing what these documents are about until tomorrow afternoon, do you think you could keep your re-direct examination within the limitations of the time that you still have available?

DP. VON MPTGLIR: Yes, Mr. President, I am sure of it.

THE PRESIDENT: Then you deem it would be reasonable on our part if we would give you that time, of an hour?

DR. VON LETZLER: Yes.

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THE PRESILENT: Under those circumstances we shall postpone the redirect examination of the defendant in the box until tomorrow afternoon and allow you as much of your hour as you think you may need for the purpose of going into the matter of these documents. Is that satisfactory?

DH. VON WITZLER: Yes, much obliged, Lar. President.

AR. SPANCHER: Mr. President, in connection with this matter — and I know Dr. von Metzler is in complete agraement with me — the Presecution for the most part, in order to avoid a long rebuttal, and in order to a voic considerable amount of surprise toward the end of the case, has taken this means. In some cases we realize that it may wake some difficulties, but I trust that this procedure is agreeable to your Honors in the interests of cutting off a long rebuttal.

The resident: We have thought of it in this light: that it probably in the long run would conserve time, and at the same time give a proper opportunity to both sides to present the facts in this method rather than opening the way to too extended rebuttal at the conclusion of the Prosecution's case. Under the circumstances the Tribunal is happy to see that you are in accord on those matters, and as we have indicated, we think it only fair to the defendant that he be given some opportunity to familiarize himself with the contents of these documents. So that will be the routine with respect to this matter.

DR. DIX: Mr. President, is the entire redirect examination of Mr. Haufliger to take place tomorrow, or does that refer to Dr. von Fetzler That is to say, can the other gentlemen who have any additional questions ask these questions new, or should they do so tomorrow? I have only a brief question.

THE PRESIDENT: We would prefer to have it now, in other words,
as much of it as we can get over. Of course, there is not much occasion
here for much redirect as I see it, but certainly we do not want to
deprive any of counsel ... Are you speaking for yourself, Doctor, or
for counsel generally? Do you wish to ask some questions of the witness?

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DR. 1-IX: Yes, I myself want to ask some questions, but I asked also for my colleagues. My questions will take only two or three minutes.

THE PHESICENT: If you are in a position to do it now, we would prefer to stay on the subject and get as far as we can, and then leave Dr. Metzler his time for tomorrow. If you wish to ask the defendant some questions you may do so now, and that applies to your co-counsel, except Dr. von Metzler.

DR. DIX: Very well.

### REDIRECT EXAMINATION

BY DR. LIX:

Q Dr. Hacfliger, Fr. Sprecher asked you whether in 1934 - please keep that date in mind - whether in 1934 the chairman of the Verstand or the Verwaltungsrat, at any rate he mentioned Schmitz's name, gave you permission to participate in the mestangs of the working committee, and you answered in the affirmative. Is that correct, inasfar as Ar. Schmitz is concerned?

A less. I calebrated my twenty-fifty service anniversary at the time, and I used that occasion to visit Mr. Schmitz in Berlin. be congratulated me, and I asked him whother I could now attend the meetings of the working committee as a guest, and he did give me this permission.

Lalways understood his permission to mean that I was invited to participate as a guest, and I didn't consider myself a member of the working committee, for ...

Q That is enough. Another question. If I now put to you that in 1934 Bosch was still the chairman of the Vorstand and Duisberg was the chairman of the Verwaltungsrat, do you mean then still maintain that you asked Schmitz, and if so, why Schmitz?

A Because I didn't know at that time who was competent to give permission to attend the meetings of the working committee, and therefore I used the occasion of the congratulation and asked him, could I get that

permission, and Schmitz said he had no objections. That confirms the fact that it was only intended as a guest.

DR. LIX: That is enough. I thank you very such.

selves that they will definitely have no more questions to ask toward ow after ven Metzler is through, because they don't know yet what he is going to bring up tomorrow. I think they are right.

The rRESIDE.IT: We are in much the same situation. Do any of counsel for the Defense wish to ask any omitted question on redirect examination. That does not apply to the documents that were by the Prosecution in the course of its corss-examination of this defendant?

Then, gentlemen, since there has been no indication of that character we shall treat the examination of this defendant as completed except the redirect examination that his counsel, Dr. von Metzler, may wish to pursue temorrow, and, of course, if anymatter is brought out in the course of that examination that applies to any other defendant, the other defendant will have a reasonable opportunity to make inquiry along that line, so far as it relates to these documents or the testimony of the defendant concerning the documents.

So I think now we have a definite understanding of our procedure tomorrow, and the defendant in the bow is excused as a witness until tomorrow afternoon and may resume his place in the dock with his associates,

I take it, Dr. von Motzler that that concludes your presentation with that reservation?

DR. VON AFTYICH: Exactly.

DR. MaTH: Dr. Nath, counsel for the defendant Dr. Max Ilgner.

kir. Fresident, Your Honors, I intended to arrange my presentation of evidence for my client, Dr. Max Ilgner, as follows: First I shall call my client to the witness stand. Subsequently I shall examine three witnesses, and at the end I shall offer my document books. May I remark at this time that my client has to make detailed statements about certain

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neous assumptions of the Prescention. This includes the field of promotion of exports. I hope that I shall be able to confine myself to the time granted me for four days for my case. Hay I now, with your Henor's permission, call my client Dr. Ilgner, to the witness stand?

THE MESSIONY: Dr. Ilgner, will you take the witness tstand?

Dk. W.X HIGHER, a witness, took the stand and testified as follows:

THE PERSONAT: Dr. Higner, will you please raise your right nand, say "I", and state your name for the record.

THE TIMESO: ", Max Ilgner --

THE PRESIDENT: Now please repeat after me the oath: "Swear By God the Almighty and Camicient, that I till speak the pure truth and will withhold and add nothing."

(The witness repeated the oath.)

THE PPRIDENT: You may be seated.

DR. NATH: Mr. President, I have asked my client to be as brief as possible in answer to a number of questions, to answer them in telegram-style, in order to save time. In order to do so my client is going to use notes.

THE PRESIDENT: That is permissible.

### DIRECT EXAMINATION

BY DR. NATH: (Attornsy for the Defendant Ilgnar)

Q Dr. Ilgner, how long have you been in prison?

A In three weeks my fourth year of uninterrupted imprisonment will begin.

Q Dr. Ilgner, you have made out a new affidavit describing your carear and activities until 1933. For that reason we can forego dealing with these questions in detail. I merely ask you to tell the Tribunal in a few short words your career in Farben.

A On January, 1924, I entered services with Leopold Casella and Co., one of the predecessor firms of I. G. Farben, at the suggestion of Geheimrat Arthur von Weinberg and Professor Erwin Selck, that is to say I actually entered their service in the autumn of 1924, since after my return from Sweden I first of all went into training with the Badische Anilin und Sodafabrik. In the autumn of 1924, I then took over the purchasing department with Leopold Casella and became a member of the purchasing committee of the then Community of Interests I.G. Farben. In the spring of 1926, after the Farben merger, I myself made the suggestion that the purchasing department of Casella and Griesheim be merged. My suggestion was accepted, and I myself became superfluous, that is to say I was released and was available for other duties.

In the autumn of 1926 I was sent to Berlin at the suggestion of two members of the Verwaltungsrat, Carl von Weinberg and Dr. Klieninger. There I was to assist the newly appointed Farben finance expert, Geheimrat Schmitz, and, above all, to assist him to maintain the contact between Frankfurt and Berlin. With this appointment I was released from my purchasing functions, but I remained a member of the

purchasing commission.

In the spring of 1929, on the occasion of the incorporation of the American I. G. Chemical Corporation in New York, I became a member of the board of directors, member of the executive committee, and vice president. Simultaneously, in the same year, a few months later, I became a deputy director of Farben, that is de jure prokurist with the title of director. From approximately 1931 on, I participated, in my capacity as director of the Central Finance Administration, in the meetings of the Working Committee of the Vorstand as a guest. I my-self had not yet become a member of the Vorstand at that time.

In the spring of 1934 I became a deputy Vorstand member, and in the spring of 1938 the difference between regular Vorstand members and deputy Vorstand members was abolished in Farben, and thus I automatically became a regular Vorstand member.

Q Dr. Ilgner, when in 1934, as you have just said, you became a deputy Vorstand member, did you there have the same rights as any other Vorstand member?

- A Lagally I did have them, but actually I did not.
- Q How were the varying rights of the Vorstand members illustrated; how did they differ?
- A First of all, in pay. Then, at that time the Working Committee of the Worstand was still in existence. Since 1932-1933 I had already had the title of a director and participated constantly in these meetings as a guest; however, I was not a member; at least I was not appointed a member.
  - Q What functions did the Working Committee have?
  - A It was, so to speak, the executive committee of the Vorstand.
  - Q Was that the top board of Farben?
- A No. The top boards of Ferban were the Verwaltungsrat; I would call it the executive committee of the supervisory board, and the Central Committee, but the significance of the latter was different at various times.

- Q In your capacity as a member of the Vorstand, did you have any other Vorstand member over you as your superior?
  - A Again the answer is legally not, but actually I did.
  - Q Would you explain that, please?
- A While I was a deputy Vorstand member, that is up until the summer of 1938, of course Geheimrat Schmitz was my superior. After 1936, that is after I had become a regular Vorstand member, it was formarly a little different, but of course even then Geheimrat Schmitz was still the decisive person for me if I had anything to submit to him.
  - Q How about the voting in the Vorstand?
- A This has already been discussed repeatedly here; I want to add that not only was there no voting in the Vorstand, but we never had the idea of holding such a vote in the Vorstand.
  - Q Why was that?
- A My impression is that in this trial one has a completely wrong picture of the meaning of the Vorstand of Farben. We were de facto not one stock corporation; we were a whole number of stock corporations. In my opinion the corporation law didn't fit Farben any more; we had become too large for that. There were only two possibilities for us. Either to split up Farben and Mr. von Knieriem has already said here that a definite plan to this end existed or a new corporation law had to be introduced in Germany; a law for the concerns; but the Nazis would not have done this because they wanted to nationalize us, as can be seen from Point 13 of the Party Program, or they wanted to dissolve us altogether after the war.
  - Q What was the character of the Vorstand meetings?
- A I am not a lawyer; for that reason I want to explain this according to my common sense. It is hard to define; I would say that they were a mixture of Aufsichtsrat meetings, with the character of reporting to a committee and the character of a clearing agency. Anybody who had anything of fundamental significance to report or who believed that he needed approval for some important matter, put this

on the agenda.

Q Did the Vorstand discuss the most important things, basides routine matters?

A No, that is not true; not all of them. There were many old standard fields that were often reported on only rarely; in many cases these were well-established fields that were running by themselves, so to speak, which were directed by the numerous competent, technical boards autonomously. On the other hand, sometimes relatively unimportant (in the sense of monetary value) questions were brought up because of their novelty or because of their fundamentality.

Q Did the individual Vorstand member report these matters by desiring all the participants to criticize what he had to say, or did he report in such a way that all his colleagues should assume that everything that he reported on had been thoroughly checked and sufficiently weighed and that they could then agree to what he said, unless there were some fundamental misgivings about it; is that correct?

A The latter, of course, was the case. For instance, a commercial man would consider himself presumptuous if he were to criticize a technical plan that had passed a whole number of technical commissions, committees, sub-committees; that had been several times investigated as to the most varying aspects. I myself would have been very astonished, in my capacity as a commercial man, if a technical expert made fundamental statements about questions of finance; that was not the function of the Vorstand meeting.

Q But it could happen, couldn't it, that some basic difference of opinion came up?

A That really did not happen, or, it hardly ever happened, because all agencies that had to do with one and the same thing had already voted on it previously. If nevertheless some difference did
arise, then that was really a breakdown in the system. Then the chairman tabled the question, and the Vorstand members competent for this

point than convened after the Vorstand meeting for new deliberations.

Q You mentioned the boards, the commissions and the committees previously. Would you please explain to us what significance they had for the business management of the Verstand?

A These boards actually had the real responsibility. Their number is very large. The actual sovereignty of the autonomous administration organization of Farben was very large and sometimes actually absolute. I am now thinking, for instance, of the Sales Combines, the Sparten, the Works-Combines, the large plants, and all the boards that actually discussed and decided current business, such as Dyestuffs Committee, Chemical Committee, which was called the Chema, Pharmacsutical Main Conference, I cannot judge that but it would belong here too in the order of the things, Tea-Sparte Meetings, and so on.

Q In order to come back once more briefly to the Vorstand meetings; did the resolutions passed in the Vorstand comprise all important decisions of Farben?

A No, that was quite impossible. Aside from many other aspects, the decisive factor was the question of time. The meetings, as has been repeatedly stated here, lasted normally half an hour. Then, there was a big lunch, which was a little feast, because we met only seven times a year; in the big founder firms of Farben, Badische Anilin, Hoechst, there the Vorstand met almost every day, that is to say 250 to 300 times a year; that explains everything.

DR. NATH: Excuse me, Mr. President. Mr. Sprecher has pointad out to me that there has been a mistake. The interpreter said that the Vorstand meetings lasted half an hour, but they really lasted half a day.

THE PRESIDENT: We understood the defendant to say that they lasted a half an hour, and then there was a good lunch or dinner and then the mestings were resumed after the speeches.

A Excuse me, I want to explain, the meetings last half a day, and afterwards was a lunch.

THE FRESIDENT: Very well.

BY DR. NATH:

Q Do I understand you correctly that you want to say that all of the Vorstand meetings of Farben generally treated only the general policy?

A General line, yes, you can say that; it was an orientation about the general line.

Q I shall leave this point, Mr. Ilgner, in your various functions I noted that you were the deputy business manager of the Ammoniakwerke Merseburg, G.m.b.H., Leuna. What does that mean?

A Launa was a 100% subsidiary of Farban. The Central Finance Administration, abbreviation ZEFI, was so to speak simultaneously the finance department for Leuna as far as certain financial

transactions were concerned. The plant management of Leuna had nothing to do with that:

Q Why did you become deputy business manager?

A I was to take care of these financial functions just mentioned; there was all kinds of correspondence about this matter; special banking correspondence, and for this purpose we needed the signature of banks in Berlin. For that reason, besides myself, all leading officials of the Central Finance Administration who had to deal with these financial transactions of the Ammoniakwerk Merseburg had the right to sign for that firm. That means that besides their position in Farben they simultaneously were either deputy business managers or they were prokurists of Leuna.

Q Mr. Ilgner, you were also the business manager of the Buna Warke G.m.b.H. Why did you get that position?

A That appointment was given to me at the suggestion of Geheimrat Schmitz in 1936, while I was absent; I learned of it as an accomplished fact after my return.

Q Why did Geheimrat Schmitz desire that appointment?

A I heard it subsequently: The Central Finance Administration was instrumental in the foundation of the Buna-Werke GMBH in 1936. Geheimrat Schmitz perhaps thought that, similarly to Leuna, it would be expedient in this case too to have a person who could sign for financial matters in Berlin; however, we very soon found out that this was not necessary at all, so that this appointment as business manager was found to be superfluous:

Q Do you want to say that, apart from your financial right of signing in Berlin, you had nothing to do with the Buna-Werke GMBH?

A No, I had nothing to do with them apart from that.

Q We now turn to another subject. Mr. Ilgner, from the documents submitted by the Prosecution, one might gain the impression that your extended trips abroad were undertaken by you only after 1933: What countries had you already visited before 1933? Very

brisfly, plaasa.

A Before 1933 I had visited all of Europe, with the exception of Russia, Spain, Portugal; those three countries I have never visited. The larger part of Asia Minor and of North African countries, and especially the United States and Canada, but Canada only briefly. All four extended trips to the United States, where I stayed approximately fourteen months altogether, occurred before 1933. After 1933 I was there only once very briefly, when I returned from South America; I traveled through the United States and stayed there about ten days when I returned to Germany.

Q Wars thas all business brips?

A No, up to 1928 they were predominantly private trips; recreational trips to the Scandinavian countries, especially Sweden, also England and France and the Mediterranean countries, but also at a later time I made private trips to foreign countries; I liked to travel very much. I wanted to see the world.

Q Mr. Ilgner, I now turn to a new subject. I want to ask you some questions about your political attitude. What party did you belong to before 1933?

A To nona.

What party did you vote for before 1933?

A The Democratic Party, the State Party, on December, 1930; I know that so well because I was at the time inspecting the Farban plants in southern Germany and I was here in Nurnberg at that time. I maintained especially close contact with liberal and Democratic circles, the so-called Circle of Industrialists around Bruening.

What kind of circle was that?

A It wasn't only industrialists, it was aconomists' circle as well; there were industrialists there; there were bankers, economists; such people as Professor magement, the president for the Institute of Boom Research. At that time he was still the president of the Statistical Reich Office — until 1933.

Q Dr. Ilgnar, please give us only the names; the significance of these people we will deal with later.

A Professor von Moellendorff, Geheimret Bachem, Mr. Andreas of the banking firm of Harel (Walter Rathenow's brother-in-law), Mr. Vogel, Prof. Flechtheim, Geheimret Gliederer, Sigmund Warburg of the banking firm M. N. Werburg & Co.; Heinz Pulvermenn. The 'est four gentlemen were Jews, but that is only by the way. There was Mr. Schmitz and Mr. Warmbold, who occasionally participated; approximately fifty economists.

Q Dr. Ilgner, we want to get a straight record here. I should be very much obliged to you if you would be a little more careful of the speed; you are speaking too quickly; the court reporters are having trouble. What was the purpose of that circle?

A The aims of this circle were to support the economic policies of Bruening's government; all of the economists were interested in maintaining Bruening in power; there were strong domestic tensions in politics in Germany; the National Socialists against the Communists. All of the economy was highly interested, in seeing that the bourgeois government be kept stable.

Q What party did you vote for in March, 1933, after the accession to power?

A Excuse me, I hadn't finished my answer. From this circle two big papers were drawn up, one the so-called Wagemann plann generally known in Germany, a currency and credit reform plan, and then there were certain recommendations that were made for the recuperation of the German economy.

Q Plaasa now, answer my question. What party did you vote for in March, 1933, after the accession to power?

A After the seizure of power I voted for the Dautsch-Nationale, the German Nationalist Party. I did this because I considered that party, which belonged to the new coalition government, 16 Mar 45-A-MB-19-5-Sampson (Int. Katz) Court No. VI, Casa No. VI.

the only party which might possibly be suitable to be a certain counter-balance to the preponderance of the NSDAP.

- Q. When did you become a member of the NSDAP?
- A. In 1937.
- Q. What was the reason?
- A. There was a practical reason and a general reason. The practical reason was that in the meantime, because of the Law Regulating National Labor, I had become a plant leader in the sense of this labor law. I didn't want --
- Q. Mr. Ilgner, excuse me if I interrupt you. Would you please tell us where you became plant leader.
- A. Farban Berlin N.1/7. I didn't want the German labor front and I didn't want the Betriebsobmann to order an around in my plant leader—ship. Besides that, at that time an impression had been created, and you must always think back to the atmosphere of those times. The impression had been created by the party that they were now slowly getting down to normal, that they had consolidated themselves, that they were now going to be accepted by all the nations. I am thinking only of the well-known facts the Concordat with the Vatican, the Naval Agreement with England, the Olympic Games in 1936. And after all the countries of the world approved the foreign policy of the Third Reich in a demonstrable manner without being forced to do that, and they made advances to Hitler one after the other.
- Q. Mr. Ilgner, didn 't you over think or didn't you ever intend to join the NSDAP already before 1937?
- thought about it. At that time I had the impression that the party didn't have sufficient economists especially young economists. Poorle were missing who did not only understand economy but who were also ready to make their knowledge and their energy available in order to see to it that the entire movement took a reasonable and moderate direction. Besides that, I heard something about the labor procurement problem, a program of procuring work, about the labor service and the social program and that made a good impression on me at the time, but nevertheless I did not join.

16 March - A - LU- 20-2-Spears (Int. Katz) Court VI - Cass VI Did you take care of your party duties after you entered the party? No, I didn't: I had a socrotary, Fraulein Dohne, who arranged this very officiently for mo. I didn't hold any office, I didn't give any political speeches, and for the rest I didn't gain any advantages from the party. I never owned a regular party book because for that purpose one had to go to the of ice of the local party administration and I didn't have any time for that. Q. You said a little while ago that at that time you considered it proper that businessmen took a hand in order to provent or in order to try to steer the development moderately and reasonably. For this respect were you in agreement with your friends and colleagues in Berlin N./77 a. No, not fundamentally. My deputy, Dr. Krueger, for instance, advised me that I should protend to be dead. Quate apart from the fact that that is a little difficult in view of my nature and character, I didn't consider it very courageous. Geheimrat Kastel has testified here on the witness box and I quote, "Only one energetic ultimatum of the foreign countries and all this hoax -- this Maxi hoax would have been done away with ". I always held the opinion that charity begins at home. Therefore, I must say this in supplementation. If on the 30th of June 1934 so much courage for resistance had already existed as was present on the 20th of July 1944, then perhaps, I say perhaps, many things would have come differently -- perhaps. But this resistance and this constructive criticis could not come from outside, it had to come from inside--from at home. One had to entur the party for that purpose and not romain outside, and sometimes curiously and sometimes a little afraid watch what might become of the whole thing. Q. How did your landing colleagues in Farbon think about National Socialism? A. At that time I didn't belong to the Vorstand yet, and for that reason I didn't have so much personal contact with them. However, the 9263

impression I had was that there was no general uniform policy. Some second to be not concerned at all with the whole matter. Others attempted to get through this somehow as best they could i.e. they tried to muddle along and others again were so strongly opposed that they considered any discussion useless. Nost of them, however, thought that one should wait and see, everything would die down anyhow, and if it did remain in force, then it would automatically assume normal channels. That was, for instance, the opinion of my friend, Sigmund "arburg. These new people in power would soon see that one can only cook with water.

- Q. Mr. Ilgner, why didn't they try at a later time when one saw where this whole thing was leading to, to actively influence this whole affair to a reasonable proportion?
- A. In my opinion after the 30th of June 1934 it was already too late for that but we only acquired that wisdom much later. At any rate, I acquired it much later.
  - Q. Did you yoursalf act according to your findings?
- the very thing that the prosecution today consider as semething detrimental something negative. During my interrogations in Frankfurt on the Main, I was told, I was asked why I hadn't emigrated after I recognized that I couldn't take any influence in the metters anyhow. I would have considered that wrong -- absolutely wrong unless there had been compelling personal reasons that I respect, for instance, if there had been reasons of racial persecution. If one went abroad, then one only served one's own purposes, and one harmed all the rest, the firm and the employees, but by remaining in one 's position, one could prevent very much, one could do very many positive things, and one could help and protect many people.
- Q. Dr. Ilgnor, wasn't your activity also caused by the initiative and the desire of the party themselves?
- A. By no means, and in no single instance. I know the general attitude of Geheimrat Bosch and of Geheimrat Schmitz. In the interest of Farbon we had to remain inscentact with the development. Bosch, who

cortainly was a convinced anti-mazi, told us younger men, the young people must maintain the centest. By activities were done in the interest of German economy and especially in the anterest of German experts, not in the interests of the party. On the centrary, many things were stopped by the party that I had initiated. In the beginning my activity was considered with much suspicion. Then they tried to resist, they tried to stop me and then they tried to resist me. In the spring of 1944 I was forbidden to travel outside the borders of Germany.

DR. NATH: Mr. President, I have a few more questions about the party program, and I believe that this would be a proper time to take the recess.

FRESIDIENT: Counsel will do that, but I must remind all the counsel again that the sound track runs just one hour and a half and if we vary too much on our sessions we get in trouble. I hope we went this evening. We will take our recess at this time.

( A rocess was taken. )

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THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The record may show that the defendant Haefliger has been excused from attendance to return to the hospital at his request. BY DR. HATH:

or. Ilgner, a few questions about the Party Program. The prosecution says on page 70 of the Trial Brief, I quote:

"From the early 20's the Program of the NSDAP had been hummered into the heads of the Germans again and again."

What do you have to say to that?

- A. That could have been written only by some one who has not been living in Germany. That is not correct in any way. If we had had in Germany a Callup Institute them we would have been able to find that as late as 1944 perhaps 1% of the German people had read the Party Program, really had read it to know what was in it. That Program was considered as election propaganda by any soborty thinking German at the time, propaganda which would, at the moment when the Party was elected and given the mission of forming a government, then would be adapted to the practical necessities. For the rest, there was a whole lot in that Party Program that sounded good and reasonable.
  - Q. Did you read the book "Mein Kempf"?
  - A. No. I must say today, unfortunately no.
  - Q. What seemed reasonable to you in the Party Program?
- A. I only want to mention a few points. It has been submitted as Exhibit 4 by the Prosecution. Point 15, the old age funds. Point 16, the maintenance of a sound middle class. Point 20, the promotion of the telented people. Point 21, the peoples' health and the prohibition for minors to work. Point 24, positive Christianity. The majority and I too at that time interpreted that to mean real Christianity. Point 17, the additional remark contained therein that private property was recognized.
  - Q. What points did you reject?
- A. All the points connected with the Jewish question and also Point 13 regarding the large concerns that were to be nationalized. The religious question didn't worry me in the beginning because, as I said

just now, I had fallen for the formulation "Positive Christianity".

Noreover, at that time, I believed that one could not shake the faith
of a people but in that respect I was fundamentally mistaken.

- Q. Dr. Ilgner, did you reject actually the points that you didn't like, in your mind, on the outside, in your actions and in your expression?
- A. I believe I can answer that in the affirmative. Later, when I recognized that the formulation "Positive Christianity" was a deceit, a blasphemy, and also in the Jewish question I took action and spoke against it from the beginning to the end. Both of these things were closely connected, Christian questions and Jewish questions. A Christian does not persecute a Jew.
- Q. Can you give me a few concrete examples where you expressed the fact that you did not approve the measures of the National Socialists in church questions and in Jewish questions?
- A. Yos. Everything that I did is a matter of course for a decent person and I certainly would not mention it here unless I were forced to do this by the prosecution's submission. I only want to give you a few tangible examples for the Jewish question. The number of half-Jews and people who had married Jews in my plant after 1933 was larger than before 1933, and especially after the serious persecutions of Jews in 1938 increased constantly. I did this deliberately and I didn't only engage in a few exceptions as Mr. Sprocher put it one time, but that was a concentrated expression of unchanged opinion and an attitude that was a matter of course for me about Jewish questions. Secondly, although the plant boss of the Labor Front pointed out to me repeatedly that it was forbidden to employ half-Jews in my plant, I gave them important positions despite the prohibition and especially towards the end of the war, at a time when the persecution of Jews had taken on a fanatical proportion with the Party. Contrary to the Party regulations I left them their so-called Aryan secretaries and disregarded the objectives of the Party by stringing them along. The third point was that in my capacity as the chairman of the Karl Schulz Society, the German-American Society, I rejected successfully at the dissatisfaction of the Party to incorporate

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the chapter about Aryans in the bylaws. The last point, the fourth point, is that especially towards the end of the war I retained a few helf-Jews in my plant who no longer were justified by their activity in being deferred. I transferred them to other departments in order to be able to classify them as essential and to protect them against the drafting into the organization Todt, OT Battalions, and everybody who lived in Cornery knows what that means, but Dr. Nath, I believe we can forego giving any further examples since we have submitted ample evidence in my documents. I mention only the names - Kraut, von Pfluegge, von Brochoppel, Salk, Has, von Malzahn, Kaschke, Schulz, Fuhrmann, Heydrich, Lederer, Jacobi, Bockanowski, David etc.

Q Dr. Ilgner, we have indeed ample documentary evidence. Please just give me briefly a few more examples about the manner in which you contravened and countered the regulations of the Party concerning church questions.

A I only want to confine myself to a few points. The Swedish Church in Berlin with its pastor Birger-Forrell, of whom it was known that he worked together with the resistance movement of the Lutheran Church, and that to a considerable extent helped the Jews and the political persecutees to emigrate abroad - I supported the Swedish Church, especially at a time after the serious pogroms against the Jows in 1938, and I didn't for instance, interrupt that support after that period. During my trip to the Scandanavian countries in 1933 I visited the Swedish Archbishop Eidem in Stockholm and I succeeded later in having the Archbishop attempt to influence Hitler in the Jewish question and in the church questions. Through friends in the Foreign Office, people from the old school, I succeeded, against the will and behind the back of the Propaganda Ministry, in arranging this visit in May 1934. At that time I was convinced that it should be possible that the Archbishop Eidem should influence Hitler to stop the forced measures against the Jews and against the church. I want to mention one last point. In 1942 at the occasion of a consecration of priests in Borous, at the request of Bishop Youngrin, I spoke to a large circle of people where I made a comparison between the German and Swedish church conditions. I mentioned the depressing influence of the German church conditions and the elation which the Swedish Church had given me. That was a clear criticism of German Church conditions in an open speech.

- Q Did you work against the National Socialists in any other way?
- A Yes. I helped persons who were persecuted by the National Socialist government.
- Q Can you please indicate to mc quite briefly, Dr. Ilgner, because we want to leave this subject now, can you give me a few examples?

a Especially during the war there are a large number of people. I went to mention only two significant examples. When Hitler wanted to occupy the left bank of the Rhine, the German Counsel of Legations, Dr. Forstor at the time, who was Charge d'Affairs at the time, advised him against this action because he said it would mean war. The generals supported Mr. Forster to tell that to Hitler. Mr. Forster was courageous enough to tell him. But he wasn't right. The French didn't do anything, and Forster was fired. Hitler called him the Ambassador with the mind of a professor. I heard that he actually hated him. But ambassador Ritter asked me to help him and I did so. He asked me to give him a job. I engaged him in the "VOLI". He was very sick. He suffered a breakdown but I sent him to the sanitorium and I let him remain with us until the end. The second case is the Ambassador von Hassel. In 1937 Ambassador von Hassel was dismissed. He was Ribbentrop's personal enemy. He turned to Herr von Wilmowski, the president of the Central European Economic Council and Mr. von Schnitzler. Schnitzler discussed this with me and said, "We can hardly employ such a man in Frankfurt. We can't do that in our sales department." But I took this matter over and talked to Mr. von Hassel and then to Wilmowski. I mysclf was the vice-chairman of the Central Europ poan Economic Council. Herr Wilmowski made certain deliberations because the Central European Economic Council was seriously attacked by the Party. He thought that perhaps we might expose ourselves too much. For that reason I talked to Botschafter Ritter who in turn talked to Sccretary Weizsaccker in order to get a certain amount of backing. We then simply employed him - that is to say, I gave him a contract, appointed him to be an associate of Berlin NU-7 with a decent salary and we paid him that salary even while he was in prison until he was hanged in connection with the 20th of July 1944. As is well known Mr. von Hassel was to become the Foreign Minister of the Goerdeler government. We have certain documents about this and therefore

I can forego treating this in detail. At the end again I merely want to give a few names without explaining who they are because perhaps we shall come back to one or the other. Von Hornborstel, an Austrian; General Gauthier; Colonel von Gerstorff - people who were dismissed in connection with the 20th of July affair - the Norwegian General Jarne Eriksen of the Norsk-Hydro; Meyer-Ranneft, that is a Dutchman who was the vice-chairman of the Council of India; Baviere, a Frenchman; Otto Falkenberg from Oslo; Mr. Kep; willibald Passarge; Bianchi; General Kieschke from the Mitropa. Perhaps I have given you enough names,

Q Yes, it's quite sufficient. May I ask you to tell me briefly about the political attitude of those persons whom you had chosen for your closest collaborators and associates? Especially their attitude towards National Socialism.

A Dr. Math, you ask quite correctly the associates that I myself selected. That was the way I handled it. My closest associates, without exception, were anti-Nazis, or at least they were very sceptic. Apart from Krueger, who had to join the Party in 1944 because he became Dr. Oster's successor as Plant Leader of the nitrogen syndicate, apart from this man none of my close associates was a member of the Party. From among my personal assistants, from the beginning to the end - that is to say all the time that I had any assistants at all, from 1929 to 1945, none of them, not a single one was a Party member, but even in the case of Krueger it is well known that he was an opponent of National Socialism.

Q Dr. Ilgner, you swore out an affidavit, Exhibit 512, in Book 17, English page 41, German page 78. This affidavit deals with the public offices held by leading Farben people. Is there any connection between the contents of what you said just now and the contents of that affidavit?

A Yes, we shall deal later with the changes undertaken in the affidavits. But I want to say now that it was quite clear that an enterprise 9271

as was Farben for their own interest alone could not evade such functions and wasn't permitted to evade such functions. On the other hand, Farben, in their capacity as a big concern, paragraph 13 of the Farty program, was rejected. Certain candidates were rejected because simply they were Farben men. I myself experienced that personally. Then appointments were made, in the most cases it was impossible, without endangering the firm, to hold aloof from such positions. That would have been a big mistake. That, of course, applies particularly to the time of war. In that connection I mention a speech of the chairman of our large friendly competitor enterprise in England, Lord Magown, the Chairman of the I.C.I., who gave a speech towards the end of the war in the Glasgow Chamber of Commerce. In this speech he pointed out that the I.C.I. had made available to the state 2,500 members of the senior staff and three members of the board of directors.

Q Another point, Mr. Ilgner. On the last page of the trial brief, on page 106, the following subject is treated, and I am going to tell you about it briefly. I quote: "In view of the ever increasing rewards for the firm and for their leaders." I ask you now, how did your income develop with Farben since 1933 and especially from the time since the beginning of the war.

A My income for the year 1932 remained almost unchanged until 1938.

That is to say in my capacity as a deputy member of the Vorstand I got the same salary, approximately, that I received as a deputy director - that is to say the legal position of a prokurist. I would have preferred not discussing these salary questions from this place.

They weren't so important to me. But I am again compelled by the prosecution because they charge us with greed for money - that that was a reason why we undertook our positions.

- Or. Ilgner, very well; you are quite right but we went to be as brief as possible. That course did the development take ofter 1936?
- member and deputy member was eliminated and that caused an increase of 10% in my salary in 1939.
  - 1. That was the amount of your s liry during the war?
- ... During the war the income didn't increase at all. The income of the Verstend members was not changed during the entire war so that in 1945 I had a proximately 10% more than I had in 1932 but I don't know exactly that it is very definite.
  - Q. That is the financial result of your 20 years activity for Farben?
- A. The result of 20 years of my leading activity in Farbon is that I have no property but I have a deficit because of the war.
- how the other people of Ferben fored in this connection?
- a. I Delieve that very many of an colleagues of the Vorstend fored similarly, especially those of same ign and those younger than I. Home of us emassed weelth in Farben. However, all of the non-Vorstend members, especially the medium or lower employees, were much better off. Their salaries were constantly increased, including the war years, even if we had considerable difficulties with the authorities. Nevertheless, they were increased.
- The con now loove this subject and I want to discuss something also with you, the construction of the MM/7 organization until 1933. From the Prosecution's statements it can be seen that the NM/7 organization was created essentially after 1933. That was the status of the MM/7 organization at the end of 1932?
- tially finished at the end of 1932 principly. Everything that was added later was really nothing new but only an expension, a quantitative expension could by the developments.
  - 7. ...h.t developments do you meen?

a. I will give you a quite brief answer. In 1929 there was a world accommic depression and especially an economic crisis in Germany; in 1931 the collapse of the austrian Credits association, the German bank crash, the devaluation of the pound and the starling block, the difficulties of transfer in coutheastern Europe; and the consequences were that the foreign exchange was controlled, that compensation business arose. That was the first beginnings of the export projection in Germany, the beginning of the labor procurement, the introduction of texation coupons. That was in 1931.

In 1953: the devaluation of the United States dollar, the beginning of the state-controlled economy.

In 1936 — now we are in 1936: the devolution of the French franc, the beginning of planned economy; and in 1939, finally, the beginning of war a conour and compulsory economy.

There are the relations, the conditions and the developments.

- To that extent did these conditions affect the development of the Berlin 11./7 organization?
- The TI/7 organization was an auxiliary organization, first of all, to assist the sales combines of Farben. This assisting function was to be undertaken in the fields of financial economic trade, political, the newspapers and similar fields. It is tunte obvious that this particular function of assistance to be rendered was due to the crisis measures of the government. That is the controlled economy, the forced economy and the war economy; that is to say, that this particular work increased. It became more complicated. It took more time and work and the auchinery had to be enlarged accordingly and the office ex enses increased considerably; it is true, however, not in the proportion stated in the Prosecution document exhibit 844.
- 1 believe, Dr. Higner, that you have clarified that. I now turn to a new subject, the military economic leader. In the trial brief on page 92, one of the alleged public offices is supposed to be the military

economic leader, as the Prosecution contents. I quote:

"The Reich Binister of Mar had ordered the activation of a corps of military economic leaders as of now."

Did, as far as you know, such a leader corps ever exist?

- A. No.
- 9. "hen did you become military economic leader and upon those instigation or suggestion?
  - A. In .ugust 1938 at the suggestion of General Thomas.
- Q. Did you at any time perform any services as military economic leader? Gre you ever given any missions by military or civilian agencies during peace or var?
  - A. No, never.
- . Four do you know that there was never a corps of military economic leaders in existence?
- was a military economic leader but I was never officially informed that such a corps of leaders existed and I was never requested to fulfill any mission in that connection.

Secondly, during the var I met many gentlemen who were military economic leaders and we discussed this title. None of them ever told me about a corps of military economic leaders.

Thirdly, during my imprisonment in the Fransberg Camp I took the trouble to make a sort of inquiry among the people interned there. There were approximately 20 or 30. I wanted to find out who had appointed each individual a military economic leader and none of them had ever heard anything about a corps of military economic leaders.

From that the fourth reason arises and that is the fact that there were various types of military economic leaders and that various cencies in Germany, namely 3 or 4, appointed such people and that refutes the assumption that a uniform corps of military economic leaders emisted which, similarly to the general staff corps, would have been a centrally directed agency.

- . h.t , in your opinion, was a military economic leader?
- A. This has been related repeatedly here. It was only a title.

  It was a title that was given a military appearance, just as the Bavarian Kommersienrat during the 'eimar Republic.
- stille . . . . bout this subject much his been said. Please only . few brief juestions. The worked on this poblization question?
- and the technical terminology under discussion here is the inquestion and the referred particularly to the businessmen; that is, the sales combines and the commercial agencies. ...mongst others this was handled by NW/ and my office was mainly responsible for general questions. That was done by the lipo.
- "M question"; but please tell me what that means.
- ... We never worried about it. If I said "OK" then I really don't know what it means. We know just that it meant something to do with the military but we didn't discuss it. Everybody knows what is meant by "Marguestion."
- . Dr. Ilgner, unfortunately, however, we do not know it. Can you tell me with one word what was understood by this expression as far as your knowledge goes?
- a. It knowledge is competent but I can't do it in one word. It was essentially the preparation of the lists of all those 'K' and 'L' employees that were to be deferred in case of ter by Farben and all other organizations to deal with chemical things.
  - C. ..t whose suggestion did Farben prepare such a list?
  - A. The Reich Ministry of Economics.
- . Do you know when these orders were given by the Reich linistry of Economics?
- re-introduction of general military service, approximately at the end of 1937.

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Q.- In a document submitted by the Prosecution there is some statement about a letter written jointly by you and Mr. von Schnitzler. This
letter is supposed to deal with the "H" question and the Reich Ministry
of Economics, and a few other agencies are mentioned in this letter. Apart
from that, a number of other functions are described besides getting people deferred, that is, having them classified as essential. Please explain
that letter.

A.- That is quite correct. Originally the Reich Himistry of Economics desired to have a number of other questions answered already, so to speak, in advance especially in the fields of imports and exports. However, that was only theoretical and was therefore left out, for it one does not know with whom one is supposed to be at war at a certain time, one cannot say from where one should import one's goods and to what countries one is to export one's goods. And therefore only the question of deferment was included in the letter.

Q.- In the letter, however, the contact of the MIPO and the Vermittlungsstelle W about "I" questions are discussed. To what did this contact refer?

A.- The "I!" question, the question of deferment, the firm's treatment of employees that were drafted by the Army. The "IIPO dealt with the businessmen; the Vermittlungsstelle W dealt with the technical men. But, after all, we were one firm and one couldn't treat certain people one way and other people differently. Therefore, the same uniform principles had to be introduced, and for that reason it was considered necessary to vote on this matter. Whether this vote actually was carried out, I don't know. Therefore, I am not competent to answer this question.

'Q .- Were there any other points of contact with Vermittlungsstelle W?

A.- No, since Vermittlungsstelle W existed exclusively for dealing wit technical affairs and the businessmen had to use the WIPO for their contact with the authorities unless they maintained that contact directly. 16 March-A-FL-25-2-Schwab (Int. Katz) Court No.VI, Gase VI

Q.- Dr. Ilgner, I will now come to a new subject, that is, the promotion of exports. As I have already announced to the Tribunal, Dr. Ilgner is going to treat this subject a little more in detail.

The Prosecution, on page 67 of the trial brief, contended that the promotion of export was undertaken for the preparation of a var of aggression.

Are you an export for this subject? Did you personally have to deal with this problem?

A.- I do believe that I am expert for this field, but I certainly did have very much to do with this subject.

Q .- At what time was the promotion of experts introduced?

A.- It is difficult to give you the exact date. Reasures for the promotion of exports already began in France, for instance, in 1928, and also in other European countries. In Germany, it began in 1931.

Q.- What were the underlying motives for the promotion of exports in Germany? Dr. Ilgner, I had not yet quite finished my question. Please, first of all, describe the underlying reasons for the introduction in Germany, and then give the actual gauses for this introduction.

A.- I shall give my answer very briefly, in tolegrem style, because the same factors determine this introduction as determine the increase of the Berlin NW 7 machinery.

The depression since 1929; the crash of the Austrian Credit Corporation in 1931; the deduction of three billion in foreigh gold currency by England in hardly two months in the summer of 1931 from Germany; the crash of the German banks which resulted in consequence; and the devaluation of the English pound in the autumn of 1931 which resulted as a consequence; and in connection therewith the devaluation of the sterling blow in the two following years; the devaluations, in other words of the currencies that were connected with the sterling itself. In the spring of 133 the devaluation of the U.S. dollar; and in 1936 the devaluation of the French franc. Then again in consequence the Ottawa Agreement, the practical

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deviation of England from the "most favored nation" clause; the coal agreements with Ottawa and the Scandinavian countries in 1931; the introduction of foreign exchange in Germany in 1931, and the beginning of serious difficulties of export.

These were the underlying motives. And the actual cause was the freezing of export profits in southeastern Europe, where the cricis was fult
first of all and most seriously.

DR. NATH (Counsel for the defendent Ilgner): Hr. President, it is pointed out to me that there has been a mistake. Dr. Ilgner said: "The removal of approximately three billion...." and I believe it was translated as three billion.

WITHESS: Three thousand million gold foreign exchange....
BY DR. NATH:

Q .- Dr. Ilgner, how did Farben most these acute difficulties that arose in regard to export in southeastern Europe?

A.- Again only the essential, the most essential, In 1931 and 132 there was an attempt of intensified imports from southeastern Europe in order to melt the frozen export profits there. And as far as there were not sufficient export goods in southeastern Europe, those productions in southeastern Europe by Germany that Germany needed. This cultivation of seys beans, the construction of lard factories, and so on. All that was done at the expense of those countries whose foreign trade with Germany was active at the time, and that included the United States.

From 1931 oh Germany could afford only to buy where she herself could sell because we didn't have any foreign exchange, That was the result of the world depression and the German economic crisis that began in 1919 really. This emergency in which German expert found itself since 1931, that is to say, this chronic scarcity of foreign exchange is very important too and that affected in subsequent years, even after 135, not only the German expert policy, but also the German demostic policy. The authrehy efforts

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and controlled economy were only thinkable on the basis of this foreign exchange situation.

Q.- Did the restrictions of German exports remain limited to the southeastern area?

A.- No, by no means. Gradually they spread to all countries almost of the world. The German experts decreased in an alarming meaner.

Q.- What was the special reason for the ever-increasing difficulties in exports, besides the one you have mentioned already?

A.- The clear consequences of the devaluation in the other countries, the German demestic prices generally exceeded the world market prices. The devaluation of the pound, the sterling bloc, the dellar made themselves felt more and more.

Q.- You said just now that the German export was decreased alarmingly at that time. Would you please explain to us what that meant?

A.- Yes, the incoming foreign exchange was reduced at the very mement when 6.5 million people were again given work who all could afford to buy better clothes, who could eat more, which meant that the need for foreign exchange to buy food increased, and at the same time because of the reactivation of industry, that made itself felt generally, which began from 1933 on actually, and therefore the requirements for foreign exchange for imports of raw material increased. At the same time the demostic bean in Germany, which was created by the procurement of work, resulted in the fact that many firms and industries considered it more interesting to sell to the demostic market in Germany rather than producing for the amount harket that became more and more complicated and was full of risks.

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Court 6 Case 6

Q. What consequences did
ever-increasingly difficult export
to Gorman export?

A. The consequences were
Farty didn't have any opinion on a

- Q. That consequences did the Garman Government drew from this ever-increasingly difficult export situation and from the serious threat to Garman export?
- A. The consequences were taken up belatedly. First of all, the Forty didn't have any opinion on exports. The so-called additional export was belatedly introduced by decree of the German Raich Government. That was, so to speak, the afficial introduction of the promotion of export in Commany in 1935.
  - Q. What was the additional export arrangement?
- As This so-colled L'V, as we went to call it now, was an arrangement whereby the German expert business was park the difference between the German demostic market price and the profits from experts that it would have derived from experts from an official fund. This expert subsidy, however, didn't exceed in any single Instance the proportion of the devaluation of the countries so which these goods were destined or the competitive experting countries. That means: he dampings
- the export subsidios?
- And The funds of this collection were relaid by a treation of the demestic turbover in Germany by industry.
- R. Was this procurement of funds by the  $G_{\rm outer}$  industry voluntary?
- in Quite an the contrary; private enterprise had serious misgivings, and especially Farbon at first turned severely against this procedure ordered by the state.
  - Q. Thy mestarbon so strongly opposed to this procedure?
- L. For various reasons. First, because they had to pay a gigentic sum, even gigentic for Farben, as "Fend Perdu" as lest funis; moreover, Farten was an enterprise which had much exports, and an our opinion should not have been called in for the procurement of this funi at all. This was illegical, completely illegical. For the rest, Farben

16 Mar 48-4-4J-26-2-Gaylord-Katz Court 6 Casa 6 anyhow.

held the opinion that they could export their own goods and that they didn't need any subsidy for that purpose that they had to pay thousalves

- Q. You said just now, Dr. Ilgner, that Farben had to pay a gigantic amount of money. How was that done?
- i. First of all, the economic group chemistry was given the task of paying 160 million Reichmarks -- an unusual sum, "fter long negotiations by the economic group, this amount was finally reduced to 115 millions. From this amount, Farben was to pay approximately 55 er 60 millions annually, every year. We were to pay this every year and we did pay this amount avery years
  - Q. And what was the subsequent course of events?
- A. Geheimret Schmitz and I one day were called to the Reich Ministry of Economics where avery one-sided conversation took place. Mr. Brinckman, later the Secretary of State, the then chief of the export department of the Reich Ministry of Economics, explained to us that -- I don't know this exactly any more -- if I remember correctly, Farbon had to pay 55 million annually, and as I have said proviously. as a "Fond Pordu" -- as a lost fund. It had to be paid to the official fund for the promotion of exports, Gohoimrat Schmitz tried to make objections because of this tromendous amount, but these objections were overruled very definitely:
  - Q. Jore you able to reduce this amount at all?
- A. Yes and no. Mr. Brinckmann finally said that he was prepared to make an alternative suggestion to Farben: either they were to pay 50 millions fixed rate as "Fond Fordu"; that is to say; without right of participating in the official fund for the promotion of exports; or they . should pay the original demanded sum of 55 millions with the right of . participating in this fund. But that right was granted to all.
  - Q. What was Farbon's attitude towards this alternative suggestion?
  - A. Geheimrat Schmitz wanted to be on the safe side and wanted

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to pay 50 millions without right of participation in the fund. My colleagues of the sales department and I were of the opinion that we should not wrive participation in this fund under any circumstances because we believed that by active participation in the general promotion of export, Farben would succeed in getting more than 5 million from this official kitty. Gehoimrat Schmitz then also adopted our point of view.

- Q. That was the practical course of events; that is to say, how much did Farben actually get back from this official kitty, as you call it, in the following years by active participation in the promotion of exports?
- A. On the average, of the five years, from '35 to '39, we get back approximately 30 million a year from this kitty by active participation in the premotion of experts. After all, the fact remained that Farban nevertheless paid 20 million a year as a lost fund during all of these years. That again, in view of the fact that Farban was an interprise with much expert, was a rather high sum.
- Q, Did you personally devote much of your time to the question of a promotion of experts?
- A. Yos, absolutely. I held the opinion very definitely that

  Farben should participate in this kitty. For that reason, I feld a

  special obligation to help so that we should get back as much as possible
  of our payment of contribution.
  - % What did you actually do?
- a. I will give you only a few of the steps that I took. First, creation of the department of promotion of exports in Berlin, Na7 Forben; secondly, my own trips for the promotion of exports undertaken to the Scandenavian countries, eastern Asia, South America and the various European countries; thirdly, the inclusion of the ZEFI confidential agents, or Ferben limison man, in the export promotion program; fourthly, giving technical lectures about the promotion of export and drafting the export promotion memoranda submitted by the presecution.

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Q. Floase describe to the Tribunch why it was necessary to give lectures and why you drafted this memorandum on the promotion of experts.

A. The export went through various phases in Germany. We had the inconsequent consequence. In the beginning, export was not popular. Then they discovered that expert was necessary; it was promoted. Then again we had the Four Year Plen and it was said that we didn't mood it any more at all, and finally we had to explain to the people that despite the Four Year Flan we still needed export, and then again it was supported; that is to say, especially efter the introduction of the Four Your Flam, and particularly by Gooring, the opinion was hold that export was no longer necessary. "hat that meant for us who were dualing with export economy, emybody can well imagine. I only want to give a faw figures how experts were distributed ever Cornen firms. Farben's significance and the significance of a few other large firms for Corman export can be seen from the following figures. Only a few show it. Farbon constituted 10 per cent of all of German export, The next largest was the Siemens Enterprise which constituted about 4 per cents . fow, about 5 further export enterprises, constituted 11 per cent. That makes 25 per cent -- approximately one-fourth of all of German exports. Twenty more firms again constitute 25 per cent, that makes 50% in all and 50 more firms again constituted approximately ensequenter of the . Gormon exports, that is, approximately 70 to 80 firms constituted approximately three-quarters of the German exports, and the remaining one-quarter was approximately 70,000 firms. That shows the predominance that Farben had in the export business and it also shows the worry that Farton had about raintaining German exports.

- Q. Dr. Ilgner, Didn't the amount of export by Farben increase considerably as a result of export promotion during the year?
- A. No. May I add somothing here? At the time we had these difficulties because of the introduction of the Four-Year Plan by Goering. The Reich Ministry of Economics and economy in general pointed out that without exports, the food stuffs and raw-materials necessary for the public would not suffice. We really had to save Gorman exports. We had to safeguard Gorman participation in the world market. The promotion of exports became actually what it had been from the very beginning, a defense of exports and figures of Farben's exports show very clearly the correctness of the theory that I just now developed. Farben's exports, during the years from 1933 through 1939 practically did not change at all. In 1933 it amounted to approximately 400,000,000. Then it decreased to approximately 380,000,000, and by 1939 it rose somewhat above 400,000,000 again. It wasn't an expansion, but only the defense of a position.
- Q. The prosecution charges you in Part I of the Trial Brief on page 67 that "After your trip to South America, you suggested a program to the Mazi officials that was approved by the Commercial Committee on the 20th of August 1937. The purpose of this program was the promotion of exports in execution of the Four-Year Plan." This is Prosecution's Exhibit 762, in book 48 on page 45 of the English and page 52 of the German. What do you have to say about that?
- A. I believe that my statements up to this moment refute this
  erroneous assumption of the prosecution completely. The promotion of
  exports had existed, for 6 years when this memorandum of mine was drafted,
  the promotion of exports was already in existence and the purpose of this
  memorandum was quite different.
  - Q. Can you please explain the purpose in a few sentences?
- A. Yos. It was a two-fold intention that I had when I drafted this memorandum. The subsidiary intention was the tendency of defense of exports, that I already mentioned. At that time the Four-Year Plan was the big fashion in Germany. Everything that had anything to do with the

Four-Year Plan found the interest of the official agencies and anything that had nothing to do with it was not given the attention of the official agencies. Thus, anything that was on one's mind was brought in connection with the Four-Year Plan, especially what one was especially concerned with.

Please, I hope the Tribunal will not consider me jocular if I make a comparison. If the importer of caviar wanted to safeguard the importation of caviar at the time, he would have had to link up the significance somehow with the Four-Year Plan. That was the way it was in Germany at the time and for that reason I made the addition in my memorandum, "within the framework of the Four-Year Plan." There were, of course, some factual connections of a trade-political nature, but that was the psychological reason, the subsidiary reason.

- Q. What was the main reason why you drafted this memorandum on the promotion of experts?
- A. The main intentions connected therewith were business reasons, resulting from current business. That was a critical opinion to be expressed about the German system of promoting exports. Because of the official introduction of the program for the promotion of exports in 1935, there were firms mushrooming from the ground that dealt with the promotion of exports. An unfair competition began, which was detrimental to the esteem of the decent exporting firms in the world and for wasted German substance. The industry that suffered was that industry which really seriously promoted exports and to that belonged Farben.
  - Q. What was the nature of your suggestions?
- A. If one looks at my memorandum introduced by the prosecution, one can see that of the 30 pages, 10 pages deal with the criticism of an existing condition. 15 pages deal with the suggestion for the removal of existing abuses and any expert on expert trade and world trade will say the memorandum speaks for itself.
  - Q. But the prosecution interprets something different from this

momorandum. On page 67 of the Trush Brief, First Part, the prosecution speaks of "An extensive plan for the procurement of information." That was to be included in the suggestions of your memorandum. In that connection, the presecution refers to Chapter XV. Subsection I, d, and I quote, "The training of national young stock of German decent," That can you say in that example tion?

A. I read shrough the sections mentioned in the Trial Srief, but I must say frankly that I do not know what the pro-section macras, all of the paragraphs deal with the necessity of considering the national tendency and the tendency for nationalization. What that has to do with the procurement of information, I do not know.

Q. On page 58 of the Print Brick the prosecution mentions that from the personnel to be arrained abread one expected, "a loyal attitude towards Germahy." That you say that such an attitude is necessary. The prosecution furthermore emphasizes that you made suggestions for the concentration and intensification of German banks abroad and for the support of German Chambers of Commerce, of German cultural institutions: and German newspapers abread. Please, what do you have to say them, thus?

A. I don't know if I was supposed to have made suggestions not be give any support to the German newspapers abroad, to declare objectionable language courses for yound German businessmen abroad, to ignore German interest ing German Chambers of commerce, that I should have made suggestions to the affect that German showhers of commerce abroad were to be ignored, to the affect that no further business was to be transacted with German banks abroad and to educate our personnel abroad to absorpt a disloyal attitude towards Germany?

THE PRESIDENT: Dr. Nath, J am serry. I have an engagement with some other judges in the adjoining room and I am already a little tit. late. We will recess until tomorrow morning at nine cyclook.

(The Tribunal adjourned until 17 March 1948 at 0900 hours,)

## CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

Date	Name of Witness	Official Transcript
19 December, 1947 15 December, 1947 15 December, 1947 17 December, 1947 9 January, 1948 9 January, 1948 9 January, 1948 17 January, 1948 17 January, 1948 6 February, 1948 7 February, 1948 26 February, 1948 27-28 February, 1948 16 March, 1948 16 March, 1948 17 March, 1948 18 March, 1948	Karl Wolff Gustav Schlotterer Kurt Krugger Adolf Hoehle Willi Dagne Karl Amend Alfred Zaun Perry Broad Josef Joham Franz Rottenberg Noack Treister Rene Balandier Fritz Goernert Gerhard Ritter	" " 4692-4710 4946-5024 " " 5470-5512 " " 6826-6881 6957-6979 769 <b>6</b> -7732 792 <b>5</b> -7963 928 <b>8</b> -9305 9305-9358 9359-9376

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Murnberg, Germany, March 31, 1948.

JAMES G. MILROY
munissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 16 March 1948, Commissioner James G. Mulroy, presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

There will be order in the Courtroom.

THE COMMISSIONER: The Marshal may report as to the defendants present.

THE MARSHAL: May it please your Honor, the defendants Krauch, Ambros, and ter Eeer are present in the Court.

THE COLMISSIONER: Very well. The record will show that this hearing is held in accordance with an order of Tribunal VI, in the case of the United States of America versus Carl Krauch, and others, and the order provides for the examination of witnesses who have prepared affidavits for the defense in that case.

Is there any defense counsel who represents all the defendants?

Is Dr. Mueller present? Doctor Mueller, you have received a notice of this hearing, served on you in behalf of all the defendants?

DR. HUELLER; Yes, sir.

THE CONSISSIONER: And proper notice has been given so all the defendants have been apprised of this hearing?

DR. MUELLER: Yes, sir.

THE COMMISSIONER: Thank you, Dr. Mueller.

Before the examination of witnesses commences, is there any other matter which either counsel for prosecution or Defense wish to place upon the record? The Prosecution may call the ripst witness. It is the defense — I should say the Defense.

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DR. BOETTCHER; For the defendant Krauch: Mr. Commissioner, with your permission, may I call Dr. Fritz Coernert, who made out Krauch Exhibit 114, as a witness?

THE COMMISSIONER: Will you state what book that is in, Dr. Bosttcher?

DR. BOETTCHER: This is in Document Book VI for Krauch, Exhibit No. 114, German page 39, English page several pages preceding that,

THE COMMISSIONER: You may bring in the witness, please, Dr. Boettcher, is this witness German?

DR. BOETTCHER: Yes, a German witness.

THE COMMISSIONER: Thank you, Doctor.

FRITZ GOERNERT, a witness, took the stand and testified as follows:

THE COMMISSIONER: Witress, you will remain standing. Raise your right hand, say, I pronounce your full name, and repeat after me:

I do solemnly swear that the testimony which I am about to give shall be the truth, the whole truth, and nothing but the truth.

(The witness repeated the oath.)

THE COMMISSIONER: Witness, I find that I have not given you the correct German oath. I will, therefore, repeat it. Raise your hand, pronounce your name, and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated, Mr. Witness, in giving your testimony, you are instructed that you may testify fully and freely in answer to all questions asked you. But you are requested to make your replies as brief as possible. There is a system of lights here by which your testimony may be regulated. When the yellow light flashes, you are preceeding too rapidly, and when the red light flashes, then you should come to a stop until you are directed to continue.

16 Mar 48-A-FjC-14-2-3ushnell (Lea) Court VI Case VI Commission

# DIRECT EXAMINATION

### BY DR. BOSTTCHER:

- Q Dr. Goernert, please give your present residence for the record?
  - A Karlsruhe, in Baden, Parkstrasse 38.
- Q Witness, you have made out an affidavit for the defendant, Dr. Krauch, dated 1 January, 1948, which bears the number Krauch 104, which is in document book VI for Krauch, Exhibit No. 114, German page 39. Witness, I discussed this affidavit with you yesterday, and during this discussion, some supplementary questions were mentioned about five of them and I would like to ask these before making this witness available for cross examination.

THE COMMISSIONER: You may proceed, Dr. Boettcher.
BY DR. BOETCHER:

- Q What military rank did you have; witness, in the staff of Goering?
- A At the outbreak of the war I was drafted into the Air Force.

  Since I was an engineer and was useful for technical employment, I received the rank of a Ministerialrat of the Air Force, which corresponds to the rank of a Colonel.
- Q Thank you. In your affidavit you call yourself Doctor of Engineering Goernert. Would you please tell us your training for this doctorate?
- A I completed my academic training. It was completed with the Engineers: examination, and because of my special technical interest, I was active in a university in a technical school, and beyond that I acquired the degree of Doctor of Engineering.

Q Thank you. In your affidavit of 1 January 1948 you speak of a controversy between Himmler and Krauch in a very definite connection. Could you tell us something about the specific cause beyond that mentioned in your affidavit and can you give us facts which show the general — the controversy between Himmler and Krauch?

A Yes, I can do that.

Q Dr. Guernert, if you will wait one minute between my question and the answer it would be easier.

Would you please give us these facts very briefly? And would you also give us the reasons for this general tension?

A The reasons for the general tension were that on the one hand there was the brutal, ruthless ambition for power of Himmler, in the SS respect, and on the other hand the quiet, purely scientific interest and work of Professor Krauch.

- Q Do you know that there were efforts to give Dr. Krauch or, rather, hand over to Dr. Krauch the order given by Goering to reorganize the Reich Research Office?
  - A. Yes, I know them.
  - Q What was Goering's attitude towards these efforts?
  - A Goering rejected these efforts clearly.
  - Q Please tell us brie fly the reasons why Goering rejected this.
- A As far as Goering is concerned --- Or, rather, for Goering Goering I mean, Krauch wasn't an important, a very respected research man, but he was not the all encompassing expert to reorganize this whole research field. And to me personally, because I was very much interested in this field, once I told Goering that Professor Krauch was actually the proper man to handle this and then he told me he was a very smart man but he was a professor and so couldn't use him for that purpose; he lacked the necessary initiative and experience the activity in the sense of National Socialism where everything had to be done with a great gesture. Furthermore, it might be interesting to note that at that time certainly Goering did not permit himself to expose this man, Professor Krauch,

because he pursued this field of research, and Goering, on the other hand, in those years was already declining in position, whereas these other people were more important and Goering therefore would not permit himself to expose himself to difficulties by this action.

- Q One other question about this. You spoke of those years. Will you approximately give us the date?
  - A These were the years after 1941.
- Q This is the concluding question. When did you get to know Professor Krauch?
- A That probably was on the occasion of his visits to Goering.

  I would say about the year 1938, but I can't give you that definitely.
- Q Do you know just superficially how often Krauch and Goering met?
- A Professor Krauch and Goering might have met twice or three times at the most during a year. During the war I can judge this particularly well because, practically speaking, all conferences took place in the special train.
- Q And this leads me to my concluding question. According to your answer, is it correct when the Prosecution, according to its Trial Brief, designates Professor Krauch as the right hand of Goering?
- A This is doubtlessly incorrect. It could have never been that way.
  - Q Will you please give reasons for that, briefly?
- A Those men whom one would have to designate as the right hands of Goering would at least have been in close contact with him. They would have had to have met him for many conferences or at least Goering must have corresponded with these men frequently. All this is not true in the case of Professor Krauch, because if he had met with Goering during the war when this only could take place in the special train, then this would certainly have come to my attention because I would have had to see Professor Krauch.

Q In other words, you are of the opinion that the designation "right hand of Goering" is too much of an exaggerated and much, to much of an intimate relationship?

A Yes, absolutely. At best, it might mean that perhaps in the field of chemical questions he was a n advisor of Goering, but one could not designate that with "right hand."

DR. BOETTCHER: I have no further questions, Mr. Commissioner,

THE COMMISSIONER: The witness is with the Prosecution.

#### CROSS EXALIDATION

### DR. FRITZ GUERNERT

#### BY HR. LINSKOFF:

- Q Dr. Guernert, how long did you work with Hermann Goering?
- A Since the beginning of 1937. I was ordered to join his staff .
  as an engineer and from that point on I organized his special train trips.
- Q And during the time you worked for him -- that's when you did your studying and took your examinations, isn't that right?
- A No. In 1927 I graduated, sort of graduated, and in 1928 and 129 I studied at the University of Heidelberg and later on in the Technical University in Karlsruhe, and in 1935 I passed my examination my state examination as a licensed engineer there. Then I made preliminary work on a doctor's thesis, and at the end of 1939 I completed this and I passed my examination in order to become a Dr. of Engineering.
- Q That is what I said. During the time you were working for Goering you received your doctor's degree in engineering?
- A Either I misunderstood this or there are some misunderstandings here to the effect that the giving of a degree to a candidate with the professional training must not be confused. My training
- Q Mr. Witness, the only question --- The only question was directed to the very limited subject as to when you received your doctor(s
  degree and I asked you whether it was during the time you were working for
  Goering and I take it since 1939 is the year, the answer is yes. Did you
  understand that?

- A I understood that, yes. If I had been asked when I passed my doctor's examination I could have immediately said 1939. And that would have ——
- Q I think that is the whole answer. Now, did you have personal differences with Goering during the time you worked for him?
- A No. Because I personally had no field of work which would have brought me into personal disputes with him. I had purely technical and organizational tasks and those were only in the field of transportation those which concerned him personally.
  - Q All right, now ---
- A and I merely had to carry out orders in a purely technical and organizational respect.
- Q How, do you recall when you were still in prison being interrogated about the hidden Goering assets?
  - A Yes, I recall that. That was in Hoosburg.
- Q That's right. Do you recall offering at that time to assist the person who was interrogeting you in finding those assets, which you though might be, hidden ---

Let me finish the question, please.

- ----which might be hidden in Bavaria, because you would know the places that Goering would hide those things? Do you recall that?
- A Yes, but perhaps not in the sense which -- in which it sounds now.
- Q Well, the only --- If there are any further questions, they can be asked again on redirect.
- DR. BOETTCHER: I raise an objection against these questions altogether because they have nothing to do with the affidavit. Secondly, if the witness is asked about these matters, he should be permitted to finish and one should not interrupt him.

THE COMMISSIONER: Now, Dr. --- Mr. Minskoff, what have you to say about the Defense' objection that it is not within the scope of the affidavit?

MR. MINSKOFF: At to — As to that objection, merely this: The questions were intended to show the credibility of the witness. If the same witness was the kind of person who offered to assist in finding what he may have found out through his own personal knowledge of Goering, that is a fact which relates to his own character and his own credibility. Now, that line of questioning, if it please the Commissioner, has been completed with the witness's answer "yes." I am ready to go on with another line of questioning.

THE COMMISSIONER: Well, that accounts for your not allowing the witness to go further?

LR. MINSKOFF: When he answered "yes," it was a complete answer as far a s I was concerned.

THE COMMISSIONER: Very well, you may go on.

THE WITHESS: I did not say "yes."

Q' The record will show what the answer was.

A I said, if one asked me the question out of the context and if one just merely asked the question, then it sounds differently then from what if it was asked in the context.

THE COMMISSIONER: Mr. Witness, Mr. Witness, whatever your answer was, it has gone into the recrod. If your counsel on redirect desires to clarify this matter, he will be — he will have an opportunity to do so.

You may proceed, Mr. Minskoff.

IR. MINSKOFF: Thank you, sir.

Q Now you mentioned in the additional testimony you gave today that during the war this special train of Goering's was used for very many conferences and that a good bit of the business of meeting people, et cetera, would be conducted on this special train, is that right?

A Yes.

MINSKOFF: At to — As to that objection, merely this: The questions were intended to show the credibility of the witness. If the same witness was the kind of person who offered to assist in finding what he may have found out through his own personal handledge of Goering, that is a fact which relates to his own character and his own credibility. Now, that line of questioning, if it please the Commissioner, has been completed with the witness's answer "yes." I am ready to go on with another line of questioning.

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THE COMMISSIONER: Mr. Witness, Mr. Witness, whatever your answer was, it has gone into the recrod. If your counsel on redirect desires to clarify this matter, he will be — he will have an opportunity to do so.

You may proceed, Mr. Minskoff.

IR. HINSKOFF: Thank you, sir.

Q Now you mentioned in the additional testimony you gave today that during the war this special train of Goering's was used for very many conferences and that a good bit of the business of meeting people, et cetera, would be conducted on this special train, is that right?

A Yes.

- Q And that was true during all of the war years, is that right?
- A That was not true anymore after the German railroad net was destroyed. That was already in the year 1944. At that time the large special train was no longer used but more or less a one-car was used.
- Q Now, the particular conversation which you refer to in your affidavit -- that took place in 'bl. Do you recall when in 'bl it took place?
- A It is differ mt for me to say this because in the Spring of 1941-and I know it was then -- it was in the beginning of 1941, we made many trips by special train practically every day! I had to scrutinize this with the German Feich agencies on the basis of data and documenys and I once made up a list of how many trips we made in a given period of timebetween January up to the 6th of April 1911. That amounted to more than twenty-five trips by special train, and one has to remember that these trips usually lasted more than fifteen hours of riding and one can then figure out how much we were on the road during that period of time and one should therefore be able to understand that I cannot give you the exact data when this was. I could say, but I must expressly state that I cannot remember exactly, that in my opinion it was on a trip which took us from Holland via Berlin to East Frussia. The trip during which we arrived in Berlin on the 12th and with only a brief stay in Darlin of a few hours, we continued to the East. It was customary in such cases that conferences with Goering were handled in such a way that the gentlemen were asked to get into the train in Berlin and that they would got off again at a certain place, and the car was used then to take them back.
- Q I'm not quite sure, because of the length of that answer, just what period you are referring to. All those twenty-five trips -- is that all in the Spring of 'h1? The trips that you mentioned?
- A They were from the beginning of January 1941 until the beginning of April 1941. Perhaps it might be interesting to say --

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THE COMPLISSIONER: Mr. Witness, I think you have already asswered the question. Let Counsel develop other questions, please.

Q Now, were you ordinarily the person on Goering's staff who would make arrangements for conferences and know the person he speaks to on conferences and know he gets on the conference, or were there other persons on the staff who handled those things?

A No. I don't know this at all, but these matters were matters for the adjutant, and the Adjutant's Office consisted of the Chief Adjutant, a Colonel and four Adjutants in the rank of Lieutenant or First Lieutenant, and they got the order from Goering to make up the dates and to look after the technical carrying out of the thing. But since I was the technical director of the special train I had to participate for sevral reasons. First of all, I had to be able to say when the special train and where it would be, and secondly, when these people got on the train I had to take care of them while they were waiting. I had to accommodate them; I had to give them a compartment where they could drink or where they could work so, I did participate in this.

THE CONTISSIONER: Ar. Witness. Fr. Witness, it is the desire of the Tribural that questions be answered as briefly as possible, so I will ask you to listen carefully to Counsel's questions and then cover only the things about which you are asked.

Thank you. We will hot ahead botter that way.

Q Fow, do you recall in your previsous interrogation while you were still in Moosburg being asled specifically who the persons were who saw Gooring regularly, who the persons were who conferred with him, and who the persons were who met on his train? Do you recall being asked those questions?

A at the moment I don't.

Q Les your memory as to who those persons were been refreshed since you have been out of the Moosburg prison?

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A rardon me. Then I misunderstood the first question. I thought whether I remembered today a number of persons, as I answered ——

Q To repeat the question will probably save time. I said: Do
you remember when you were interrogated in Moosburg whether you were
specifically asked whether you know who conferred with Goering, whom
he saw at conferences on his train, who was at these various me tings with
him. Do you recall that sort of question being put to you at the time?

A Yes, I remember --

THE COMMISSIONER: Just a moment, witness.

DR. POINTHER: I would be grateful if the connection with the facts which are treated in the affidavit were given.

MP. HENSKOPP: "If it please the Commissioner, the affidavit has been somewhat elaborated only by questions asked of this witness on direct examination. Among the questions that were put to him, and the answers were received was the relationship between Krauch and Goering and the meetings that Krauch had with Goering and the witness was able to remember on direct examination just how many times Krauch did see Goering. It is quite pertinent, it seems to the Prosecution, whather this witness's recollection had been refreshed since he was interrogated almost two years ago.

THE CC EMISSIONER: Now, as to this ---

WITHASS DR. FRITZ GUERNERT: Yes.

THE COMISSIONER: Just a moment, Ar. Witness. Now, as to the objection, that, of course, has become a part of the record. Also a part of the record is your reply to the objection. I will ask you now to proceed with your examination.

LR. MINSKOFF: 's there an answer on the record? I don't think that I had the answer to that question.

THE COMMISSIONER: You were --- You were staring a question and Dr. Boeticher raised an objection. That has all gone into the record and now you will finish your question. Finish your question.

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Q The question. The question was: When you were interrogated in Moosburg waren't you specifically asked to tell the interrogator, if you could, who had conferences with Govering on his train, who spoke to him, who know him, how often? Weren't those questions put to you expressly in your examination? Do you recall?

A Wes, but I said at that time I was an absolutely impossible condition physically and I was lying on the floor in Meosburg, thin, and I had no more memory about this and if one did treat me better X would be very glad to answer the question, but at the moment I had no memory I said that, too, when I was interrogated.

THE CONTESSIBLE: You have answered that question. Now, witness, wait for the next one.

If New, on the particular trip that you have testified to in your affidavit -- the conversation you spoke about, was that a conversation in which you personally participated or did you just happen to overhear it?

A  $I_t$  was a coincidence because the gentlemen conversed about it in the diner and I also happened to be in the diner.

Q Did you participated in that conversation?

A No.

Q Do you recall which of the two gentlemen who conducted that conversation gave the details as to what Krauch's position was on labor at Auschwitz?

A Of a work came in Auschwitz, there was no discussion. They spoke of the construction of a Buna plant at Auschwitz.

Q Just a moment, once more to explain the question. It was apparently misunderstood. The question was: Do you recall which of the two persons who had that conversation gave the view as to what Mr. Krauch's position was about labor? About the concentration camp labor to which you refer in your affidavit?

A That was Minister Todt, because he told this to the State Secretary Syrup and told him that that was his opinion.

- Q. Can you recall at this point the language he used at that time?
- A. He told Syrup, I can't give you the words, but I can give you the sense—it was very clear. He told them that Professor Krauch as far as the opinion of the labor allocation the sense of the words was that Minister Todt made it clear to the State Secretary Syrup that Professor Krauch did represent his opinion about the allocation of local labor or of German experts or skilled workers and that his opinion was based on the fact that on the one hand he was opposed to Himmler's opinion of using concentration camp inmates because he considered this as an effort of Himmler to interfere in this business and Frofessor Krauch, as I said at the beginning, was a research man and was a Farben man and was much more interested in the other things.
  - Q. Thich man do you recall presented Himmler's views?
- A. Himmler's opinions were not represented in this discussion but these two gentlemen among themselves merely had a preliminary discussion, so to speak, before they went to see Goering and Minister Todt said what the situation was in order to bring about a decision. Doubtlessly this was the case with Himmler because Himmler went to see Goering very rarely and there probably was a telephone conversation between Goering and Himmler and they didn't know anything about it, but Himmler's opinions were not represented. It was a type of atmosphere which was discussed here.
- Q. Perhaps we misunderstood your affidavit. Under your affidavit you state specifically that Himmler's request to employ concentration camp inmates obviously served the purpose of securing the influences of the SS in this economic sector also. You began that sentence,
  "The two gentlemen mentioned give these views." Now, do you want to
  correct your present statement?
- A. No, I would like to explain that the concept, these two opposed opinions in the last sentence of my affidavit, these two opposed opinions represented those opinions of Krauch on the one hand and Himmler on the other hand and not those between Syrup and Todt.

- Q. The only question I put was intended to elicit a simple point. I am not interested at this point in finding out what conflict you think existed, but the conversation that you heard. Now were those two opinions both expressed in that conversation?
- A. They were not represented but they were morely described, discussed.
- Q. Which of the two persons mentioned and described Himmler's position? Do you recall that?
  - A. Yes, that was Minister Todt.
  - Q. Todt discussed both positions, isn't that right?
  - A. Yes.
- Q. Did he explain what influence the SS would obtain over the Buna plant if inmates were used as laborers in the construction of the plant?
- A. No, he merely described generally speaking, that on the one hand there were efforts of the SS to interfere in this with the use of concentration camp labor, but this definite testimony was not at issue here.
- Q. Do you know of any way that Himmler's influence would be increased over the Buna plant by the use of concentration camp inmates as laborers in the construction of the plant?
- A. Whether I know that? Well, I can imagine that because these men that were used were then taken care of and led and guarded and there was the necessity of an SS organization within the plant. Yes, I can imagine that.
- Q. That is in the construction; would that give them any benefit or any advantage in the plant when it was completed?
  - A. I cannot judge that. In this connection I do not know.

MR. MINSKOFF: No further questions.

THE COMMISSIONER: Is there any redirect?

DR. HOFFMANN: Dr. Hoffman for Ambros. In reference to the last

two questions which the Prosecutor has asked, I would like to object as a precaution for the record because I believe that the witness has testified about matters which he cannot say out of his own knowledge and which only express his assumptions and opinions. The decision will then be rendered by the Court, I imagine.

THE COMMISSIONER: That is correct, Dr. Hoffmann. Have you anything to say in connection with this objection Fr. Minskoff?

IR. HINSKOFF: Forely this, that I am glad the question came up quite that way. The entire affidavit represents as to the extent that it is relevant, just the hearsay of a repeated conversation of two persons neither of which were in the presence of anybody before this Court.

THE COLLESSIONER: Very well, the record will show the objection and the reply to it.

Is there redirect in this matter?

DR. BOETTCHER: Dr. Boettcher for Krauch.

# REDIRECT EXAMINATION

# QUESTIONS BY DR. BOETTCHER:

- Q. Dr. Goernert, in order to establish your creditbility, you were asked for your statements during your internment detention about the hiding place of Goering's art work and his treasures. The Prosecutor cut off your request for an explanation and, therefore, I ask you briefly to describe the situation at that time.
- A. The matter was as follows: In Poesburg I was also asked about this subject matter. First of all I was asked whether I know anything that had to do with them. I was able to dony that and I was able to point out that I merely in the final week before the collapse had to furnish several freight cars for the German Meichsbahn into which the art treasures of Goering were loaded and they went via Veldonstein near Muernberg and were finally brought to Berchtesgaden. During this questioning I pointed out that all these objects d'art and all these pictures that in the staff there was a special man, an export, Dr.

Hofor, who was responsible for all these treasures and who had to sign for evorything and that I, as I said, only in this case had to take care that these objects were loaded on a train because one was afraid that they would be destroyed in Berlin. I pointed out, at least as far as I remember today, that at the time immediately after the marching in of the Americans into Berchtesgaden that was in May, this man, director Hofer, took all those artistic objects and handed them to the Americans together with an index. But, there is still the following: it was also an issue that there was somewhat of a mysturious trunk that was supposed to have existed with some treasures inside. They always asked me reportedly about these things and I morely know that Goraing when he was arrested by the SS and when he was brought to a castle from Berchtesgaden took along one trunk of such matters and one could imagine that such matters were in this trunk and it was always carried by one of his assistants. That such a trunk is somewhere around there and when one asked me the question whether I would perhaps be in a position to testify about this or to help to find these things I said at bost one could lock me up, lock me up -- I emphasize that, in Berchtesgaden together with another men and then perhaps we could con-Verse about it because this gentleman was an art expert and he was the expert of Gogring for these matters and I ask that these things be seen in the context --

THE COMMISSIONER: Dr. Boottcher, do you consider that the vitness has answered your question by this time?

DR. BOETTCHER: Yos, sir; thank you.

THE COMMISSIONER: Will you proceed.

- Q. Dr. Goernert, did you have any special interest in listening to the conversation between Syrup and Todt?
- A. Yes, I was very much interested because my training and my profession show that I am interested in science and technology and therefore, I especially listened to it.

THE COMMISSION R: I wish to intorrupt the witness again.

Dr. Boettcher, your questions are very much to the point and direct and I want to admonish the witness not to exceed the scope of the question. If Counsel asks you, did you have an interest then you should say, I had an interest, then he will say to you, what was your interest, then we will not get a great many answers that are not responsible to definite questions. We will get ahead faster that way and you will have an opportunity to tell your story too. Now, let go ahead on that basis, please.

- Q. Dr. Goernort, did you later have anything to do with Auschwtiz c. the order of Goering?
- A. I recall that one time and this was much later Goering was not satisfied with the progress of the construction of the plant and therefore had something to do with it.

- Q. Did this concern a telegram to the Control Flanning Board?
- A. Yos.
- ?. Thich?

THE COLLISSIONIN: Just a moment witness.

to this new line of questioning being opened up, but, of course, Counsel will have to understand that if it is opened up as a new line and so far there is nothing in the record about later conversation with Goering about Auschwitz, if this new field is opened, it means more questions both ways.

THE COMMISSIONER: Dr. Boettcher, you understand that, don't you? If you open up a field that has not been dealt with in the cross examination that the Counsel will have an opportunity to ask further questions on it and we will probably extend this inquiry beyond any reasonable length. You may proceed, Doctor.

DR. BOITTCHIR: The reason for my question was the connecting interest of the witness or rather to show the interest of the witness the connecting interest of the witness in Auschwitz, but I shall withdraw the question.

A final question, Dr. Goomert.

Q. Do you know whit happened on the basis of the conversation between Todt and Syrup?

A. No, I don't know.

DR. BOETTCH R: Thank you.

THE COMMISSION R: Is there further redirect of this vatness?

MR. MINSKOFF: No further examination.

THE COMMISSIONER: The witness is excused. Will you bring in the next witness, Mr. Rittur?

Pronounce your name.

THE MITHESS: Dr. Gorhard Rittor.

THE COMMISSIONAR: Repeat after me,

I swear by God the Almight and Omniscient that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the eath.)

The witness may be seated.

Mr. Witness, before we start the examination, you will please understand that you are perfectly free to testify fully in response to any questions that are asked you. However, it is the desire of the Tribunal that you make your answers brief and direct and avoid any unnecessary comment.

You see before you two signal lights that are connected with our sound system. The yellow one indicates that you are speaking too fast. The red one when you see that, indicates that you should stop until you are notified to proceed further. If you will bear these things in mind, it will expedite the hearing of your testimony.

Has the Defense any direct on this witness?

DR. BOETTCHER: Mr. Commissioner, I would like to tell the witness very briefly which affidavits are to be discussed with him so that this appears in the record.

THE COMMISSIONER: Yes, go ahead, Doctor.

DR. BOITTCHIR: Any additional questions I don't have to ask this witness.

THE COMMISSION R: Do I understand, Dr. Boettcher that you are not going to ask for any additional facts in connection with those effidevits?

DR. BOLTTCHER: No, I do not have that intention.

THE COMMISSION R: Very well, indicate the affidavits then on who you intend to question the witness.

DR. BOETTCHER: Dr. Ritter, the Dofense of Dr. Krauch has introduced a number of affidavits which have been submitted by you or made out by you. They are contained in Krauch Document Book No. I, in Krauch No. 15, Exhibit Krauch No. 12. Furthermore in document No. I, Krauch document

No. 82, Krauch Exhibit No. 18, page 79 of the German document book.

Furthermore, Krauch Document Book No. II, Krauch No. 76, Exhibit No. 37, page 50. Krauch Document Book No. 6, Krauch Document No. 81, Exhibit No. 115, page 41 of the Document Book and finally Document Book No. 6, Krauch No. 9, Exhibit No. 119, page 47 of the Document Book.

I have no further questions at this time.

THE COMMISSIONSE: The witness is with the Prosecution.

IR. AMCHAM: There is just one more affidavit involed which Counsel forgot to mention for the record and he is searching for it.

DR. BOSTTCHT: Yos, there is a sixth affidavit which is in Volume 6, Krauch No. 9, Ernuch Exhibit 110, page 47.

THE COLLECTION A: You may proceed, ir. Amehan.

IR. MECHAN: May I suggest, if Your Honor please, since we are so near recess time that it might be advisable to take our recess before commencing with out cross examination.

THE COMMISSIONER: I think that is a good idea. This hearing will be in recess for fifteen minutes.

(A rocess was taken).

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THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: The unitness is ready for the Prosecution. in Amehan, I am not clear as to whether or not we have sworn the witness, He has been shorn, isn't that correct?

THE COMMISSIONER: Very well, you may proceed.

# CROSS EXALTHATION

### BY LR. ALICHAM:

Q. Now, Dr. Ritter, you joined Krauch's office of Raw Haterials and Synthetics in May of 1936, is that right?

A. Yes.

THE COLLISSIONER: Hr. Auchen, may I interrupt a moment. That affidavit are you considering now?

LR. AMCHAN: There are three affidavit of the subject matter generally covered in the affidavits that I will be directing my attention to. I think the one that Your Honor might keep before you would be in Krauch Book Mumber 2, Document 76, which is Exhibit Krauch 37.

THE COLLISSIONER: What is the page?

. IR. ARCHAM: I am really sorry, I haven't got the page.

THE COLLISSIONER: Is that page 50? 37, or did you say 36?

IR. ALCHAN: 37, Krouch Document 76.

THE COMMISSIONER: I have it, Hr. Amchan.

HR. ANCHAN: And that will be the principal affidavit upon which I intend to interrogate him, and I might also say to Your Honor that three of the affidavits relate to slave labor, and hr. Minskoff will continue the cross examination on the latter three affidavits mentioned by Dr. Boettcher.

# BY HR. ALCHAM:

- Q. Now, Dr. Ritter, you were the technical assistant to Krauch in the Office of Raw Materials and Synthetics and in the succeeding offices which Dr. Krauch held right through 1935, is that correct?
  - A. Yes, that is true.

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- . Now, prior to that time, you were with IC Farben, were you now?
- A. Yos, since 1924 -- I am sorry, 1926.
- Is it not a fact, Dr. Ritter, that as Plenipotentiary-General for special questions before Dr. Krauch undertook discussions with the German chemical firms he held preliminary discussions with the IG Farbon experts, is that correct?
- A. Yes, I think that is true; at least, when it concorned questions which referred to a special field of Farben, for instance, if it referred to a synthetic raw material or Duna, or something like that.
- Q. And is it not a fact, Dr. Ritter, that in these preliminary discussions Krauch asked IG Farbon whether it was interested in the execution of a particular project or whether another firm should be entrusted with it, is that correct?
- A. As far as a proper field of work of the Farben industry was concerned, that would have been the case; but it wouldn't be the case where other firms were concerned.
- Q. Is it not a fact, Dr. Ritter, that in the Krauch office as
  Plenipotentiary for special questions in chemistry, IG Farben had a
  first option in its own specialized sectors that came within the FourYear-Plan, is that right?
- A. I would affirm that if it refers to the special fields of Farben, but that also holds true for other firms which asked with respect to their fields of work whether they were propured to commence a new expansion of their plants or their capacity.
- Farbon had a first option in the projects under the Four-Year-Plan which came under the jurisdiction of Dr. Krauch?
- A. I would say that the question was first put to Farbon because Farbon was this organization which had supplied the mental basis for the process and since they were the only ones who were in a position to develop any process. In the case of the fuel field, however, it was different. There Farbon sup lied the process, but afterwards participated

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to only a very small extent in the expansion of the mineral projects.

Q. Do you recall, Dr. Ricter, having executed an affid wit in which you stated: "When in these preliminary discussions questions of raw attrials were dealt with which concerned an IG field of activity, IG always stated whether it was interested in the execution of the project or whether another firm should be entrusted with it; thus, it could be said that IG had the first option in its own specialized sectors." Do you recall making such a statement in an affidavit executed by you?

DR. BOETTCHER: Wheat affidavit are you referring to? I don't know of its contents because it less't been submitted by the Prosecution.

THE COMMISSIONER: Dr. Boottcher, are you making an objection to the question?

DR. BOETTCHER: Yos.

THE COMMISSIONER: Will you answer Dr. Boottcher's objection Mr. Amchen?

IR. AICHAM: I might state that the question is directed as to whether he recalls having made such a statement, and depending on that answer it may or may not be necessary to show him the affidavit to refresh his recollection. The question now is just does he recall.

DR. BUETTCHER: Counsel for the Prosecution has referred expressly to one affidavit; an affidavit can only be used for evidential purposes if it is in evidence here so as to afford the Defense an opportunity to cross-examine the mitness on the subject of this affidavit. I object to this type of question and consider it to be inadmissible.

of the question. The question as put is not directed to the contents of any particular document that has been offered. It is a question directed to the witness whether he recalls having made a statement and until an answer is made, I think any question or any objection directed to a particular document is premature.

THE COMMISSIONER: The objection is made a part of the record.

Counsel on both sides have argued the matter, and the witness may now answer the question briefly.

A. A few months ago a question to that effect was put to me which I answered.

## BY ER. ALICHAN:

- Q. Do I understand your answer to be, Dr. Ritter, that the statement which I quoted in my last question was made by you, and you recall having made such a statement in an affidavit, is that your answer?
  - A. Yes, I remember that. Yes, I do.
- Q. Now, Dr. Ritter, when you were in the Krauch Office of the Plenipotentiary-General for special questions and I am talking about the period prior to September 1, 1939 is it not a fact that Production Plan Number 63 was in effect, that is, the High Command plan to provide the necessary facilities and munitions to equip an army of 63 divisions on a war footing, is that a fact?
- A. The concept of Production Plan 63 is not known to me. What are you referring to?
- Q. Did you know when you were in the office of the Plenipotentiary General of Production Plan 63?
- A. I know a so-called FP final aim, but as to 63 -- yes, I do remember. I think the Army Ordnance Office laid down a plan like that for gun powder production.
- Q. And was that the plan that your office, or Krauch's office, prior to September '39, was working on?
- A. I can't tell you that with any accuracy. All these plannings overlapped. The program which you mention, gun powder and ammunition, was always supplemented in the view of the demands that were made to us by the Army Ordnance Office. One of these plans went over into another.
- Q. Am I correct, Dr. Ritter, in stating that prior to September 1939 there was a Production Plan Number 63 in your office of the Plentipotentiary-General for special questions, am I correct in that?
- A. Yes. Well, from memory, I can't tell you that exactly, but it may be.
- Q. Now, in your affidavit Krauch Document 76, in Book 2, Exhibit 37, you refer to Prosecution Exhibit 455 which is EC-282. Now, do you

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have the Prosecution Exhibit 455 before you?

- A. Yos, it has just been put before me.
- Q. Now, that Exhibit is a report of April 1939 prepared in the Office of the Plenipotentiary-General for special questions in chemistry. Now, do I correctly understand that as to technical details that report was prepared by you and that you then discussed it with Krauch for his final approval?
- A. That is correct. This plan was drafted by myself together with our departments. I was the person who actually compiled and edited the technical part of that plan.

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9.- Now, Dr. Ritter is it not a fact that this report of April,
1939, Prosecution Exhibit 455, was prepared on the direction of Krauch
as a basis for a discussion with the General Staff of the Wehrmacht, is
not that correct?

A.- No, Professor Krauch had to report to the Council of generals about his work. He gave me the order, together with our expert departments, to compile the material carefully and then give him a survey about the progress of the work. That has nothing at all to do with the General Staff, it was a council of generals.

Q.- Do you recall, Dr. Ritter, having been interrogated on 4 September 1947 by Dr. Heilbrunn of the Office of Chief of Counsel for War Crimes, and did you make the following answers to these questions?

"Q. Do you know Dr. Krauch's report of April 1939?

A. Yes.

Q. What was the reason this report was made?

A. As far as I remember, Professor Krauch did not inform us of the object in view; however, the title said that he wanted it as a basis for a conference with the general staff.

Q. Did you edit the report or did Krauch do that?

A. In such important cases, Krauch himself undertook to compile and edit."

Now, I ask you, Dr. Ritter, did you make those enswers to those questions?

A.- No, the matter is different from the way you described it. I replied to Dr. Heilbrunn as follows, when he put this report to me. I said that I could recognize it immediately as being a technical compilation which I made upon request of Professor Krauch, but this was mainly a military and political consideration laid down in the last few pages of the report. I said that "this particular compilation does not originate from me".

I told Dr. Heilbrunn at the time that I would have to refresh my mcmory about these matters, which took place a long time ago. Then I sent
him a written note where I told him that the compilation on the last pages
of the report was probably compiled by the military and political expert

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of the office, Major Czimatis, Major Bauer, and porhaps even Mr. Kirschner. These are the facts as they were.

Q.- Dr. Hitter, I show you a photostat of the transcript of your interrogation of 4 September 1947, which is MI-14700. Will you please read into the record that part of the interrogation which Dr. Heilbrunn has shown you? Do you understand my question, Dr. Ritter?

A .- Yes, I am looking for it. One minuts.

MR. AFCHAN: If Your Honor please, to keep the record straight, I think we will have to mark this for identification. I haven't the continuity of the numbers, and I will undertake arbitrarily to submit a number sufficiently in advance, and for this purpose I ask that this be marked, that is MI-14700, be marked as Prosecution Exhibit 2300 for identification.

THE COMMISSIONER: That mill be Prosecution Exhibit — you are giving it Prosecution Exhibit 2300, is that correct?

MR. AMCHAN: That is right, for identification.

THE CCHRISSIONER: Just a moment, Mr. Amchan. I will ask Mrs. Wagner to act as clerk and mark this for identification as Prosecution Exhibit 2300. Will you please so mark it? Mark it Prosecution Exhibit 2300.

Q .- Dr. Ritter, do you recall the question?

A.- Yes, I may repeat that this transcript is incomplete. I asked

Dr. Heilbrunn specifically to give me the copy in order to correct it. I

gave him a written correction which is not contained in the document just
introduced. Let me read my version, which I gave him at the time in writing.

Q.- One moment, please. Will you please direct your attention, Dr. Ritter, to the document that was handed to you just now, Prosecution Exhibit 2300 for identification, NL-14700, and I ask you, Dr. Ritter, whether or not you received a copy of that interrogation from Dr. Heilbrunn?

A.- Yes, I received it on order to supplement it and correct it, upon my express wish. These things took place a long time ago, and I didn't remember all of them at the time I was interrogated.

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Q.- Now, first I ask you to please read into the record that portion of the transcript of your examination which is before you in Document MI-14700, Exhibit 2300 for identification?

A .- Very well.

DR. BOETTCHER: The transcript which has been handed to the witness speaks for itself. There is no need for him to read it. I must ask, however, that the correction which was given by the witness to the interregator, Mr. Heilbrunn, be read so that it does get into the record.

IR. AMCHAN: If counsel for the defense would like to interrogate the witness on redirect, of course, that is entirely proper. If this witness, after having submitted to an examination, gave certain answers to certain questions, that is one thing. If, thereafter, he has a different view as to what he said and wants to state that in the record as being the corrected statement of facts, that is another. The question I am putting to the witness now is for him to state whether the answers which he gave at the time of the interrogation are as represented in that document.

Q.- Now, the question I am putting to you, Dr. Ritter, you have before you the transcript of your interrogation of 4 September 1947, and I ask you to please road the answers to the questions that were put to you, as shown physically to you by Dr. Heilbrunn?

THE COMMISSIONER: You are asking the witness, Hr. Amchan, to read a portion of a document which has been offered for identification only?

1R. ANCHAN: That is correct.

THE COMMISSIONER: And then you have a question to ask him?

MR. AMCHAN: Let me reframe the question, Your Honor, I think I will simplify matters.

Q.- Dr. Ritter, the document before you there appears, that is, Exhibit 2300 for identification. You have the transcript of your interrogation of 4 September 1947. Looking at that document, does that refresh your recollection of whether or not you made the answers to the questions that

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I just read a moment ago?

THE COMMISSIONER: You may answer the question, witness.

A.- Yes, I made these answers, but after the interrogation I told Mr. Heilbrunn that since these matters had been such a long time ago, I wanted to study the matters in peace. Then I corrected these matters which were actually - and the final version was in accordance with the facts as I actually could remember them. I missed these supplementations in document 14700 which I have before me.

Q .- Did you send any written communication to Dr. Heilbrunn after that interrogation?

A .- Yes, Mr. Miller, the interrogator, took this written communication and he promised me to give this material to Mr. Heilbrunn.

Q .- Have you subsequently communicated with Mr. Heilbrunn in writing with respect to that interrogation?

. A.- No, it was sufficient for me to have told him about my corrections.

Q .- Now, do you recall, Dr. Ritter, that about a month or two after this interrogation of 4 September 1947, you executed certain affidavits in the presente of Br. Heilbrunn? Do you recall that?

A .- Yes, I do.

Q .- Did you at that time after this interrogation discuss with Dr. Heilbrunn the alleged facts in your testimony?

A.- No, there was really no occasion to do that. I thought that matter had been settled, naturally.

Q .- Now, turning to Prosecution Exhibit 455, which is the report of April 1939, do you recall in that report discussing the preparation and planning for the production of gasoline and mineral oil in case of war? Do you recall that?

...- Yes.

Q .- Is it not a fact, Dr. Ritter, that the gasoline or mineral oil planning contemplated economic penetration and control of southeastern Eu16 March-A-FL-21-5-Stowart (Int. Ramler)
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rope; namely, Rumania, Hungary, and Yugoslavia to the end that an adequate supply of gasoline be assured the Axis Powers in the event of mobilization? Is that a fact?

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A.- I don't think you can put it that way. The fact is that calculations showed that on a purely synthetic coal basis, the end of a large scale production intended would take up many years and would cause a great deal of investments. It was intended, therefore, that the mineral oil at our disposal in Europe be used for refining purposes. We had a big plant at Poelitz, near Stettin, which specialized in the refinery of American raw oil.

Q.- May I ask you, Dr. Ritter, to please turn to page 38 of the German copy of your report, that is page 27 of the English of that document, Exhibit 455, EC-282? Do you see the paragraph beginning with "Importance of the Southeast?" "In other words, the economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oil, and the newly and successfully taken up contact with Southeastern Europe shows up the only and hopeful possibility to insure supplies for the mineral oil economy completely for many years by securing this area by means of the mehrmacht." Now I ask you, Dr. Ritter, what did you mean by the term "securing the Southeast area of Europe by means of the Wehrmacht"?

A.- The task Mr. Krauch had received was a military economic one, as the name of the plan shows which Goering gave it. It was called "The Military Economic Production Plan." The considerations which the office of Thomas had was always based on safeguarding a sufficient production in the Southeast area. That was central Europe as well as the Southeast.

Q.- Now, then, will you please look at the bottom of page 39 of that document, the paragraph — that is page 28 of the English — the paragraph beginning, "After having fixed the highest possibilities technically obtainable in the mineral oil plan, together with industries, it will be the task of the next month, together with the Wehrmacht agencies and as we have already done with the Luftwaffe, to work out supply and storage plans as exactly as possible and to use the time for the more detailed study of

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expansion planning. The further great aim will be beyond the greater German area in which we can fulfill the last demands of the military economy only with difficulty to take the steps for the planning for large areas and to develop a far-sighted plan together with the authorities which are working in cooperation with Southeastern Europe, the aim of which is the ideal mineral oil supply for mobilization of the Axis Powers to include the Southeastern European economic and raw material area." Now, I ask you, Dr. Ritter, was the Krauch office at that time engaged in the planning of securing gasoline and mineral oil supplies for the assurance of furnishing sufficient gasoline for mobilization of the Axis Powers?

- A.- No, the stock piling and storing of fuel had nothing to do with the office.
- Q.- Is it a fact, Dr. Ritter, that the planning of the Krauch Office did, in fact, contemplate assuring gasoline supplies from Southeastern Europe; namely, Rumania, Hungary and Yugoslavia?.
  - A .- The Krauch office really had nothing to do with that.
- Q.- Could you tell me why that was contained in the Krauch report which appears in Document EC-282, Exhibit 455?
- A.- Yes, I can explain it. This report had to deal with all the problems which in any way were pending before the council of generals, and to this belonged all questions which were discussed at great length by the Wehrmacht.
  - Q .- And did Krauch discuss that with the Wehrmacht?
- A.- The report before me, we compiled, being his associates. Every expert department in this organization put in their opinions, and they handed the entire material to Professor Krauch for the purpose of his conference. To what extent he actually used the report during the conference I don't know.
- Q.- Do you recall in the interrogation of 4 September 1947 to which I just referred, Prosecution Exhibit 2300 for identification, NI-14700, that

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the following questions were asked you and you made the following answers?

"Q. Was it possible -

Q .- I think it is Page 12 of the German copy. Have you got the photostat in front of you, page 12?

A ... Yes, I have it.

"Q. Was it possible to carry out the preliminary work without knowing about the purpose?

A. As I remember now, when I look at the material submitted to me, at that time Krauch especially asked that we should consider a possibility to provide the raw materials by interesting the Southeast of Europe in the case of mobilization.

Q. In which way was this cooperation of Southeastern Europe meant

A. Through close economic relations with Rumania, Hungary and Yugoslavia.

Q. Was that not yet existing at that time?

A. I cannot give you any information on that.

Q. Did one consider an annexation of Southeastern Europe by way of arms?

A. I never heard anything about this."

Now, did you make those answers to those questions, Dr. Ritter?

A .- Yes, I did.

Q.- Do you recall, Dr. Ritter, that approximately at the same time of this report, that is Prosecution Exhibit 455, that Krauch's office made another report in which it gave a survey of the situation of explosives and chemical warfare agent production in Germany as of February 1939? Do you recall such a report?

A .- Many reports were made by us, I don't remember that specific one.

Q.- Now, I show you Prosecution Exhibit 609, which is NI-8790, and
I ask you whether or not that refreshes your recollection that around the
same time, February 1939, Krauch's office made a report as to the situation
of the production in Germany dealing with explosives and chemical warfare
agents? Is your recollection refreshed by that?

A .- Yes, I do recognize the report.

Q.- I will ask you to please turn to page 59 of the German, which is page 26, and you will notice under the date of 27 February 1939 -

A.- Yes.

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Q.- ——three copies made for Dr. Ritter. That relates to an essay on the ways and means of estimating the German extension target for gunpowder and high explosives. How, I ask you, is it not a fact that at the time this report was made, copies of which went to you, that planning of the Krauch office was to supply with explosives and chemical warfare agents a minimum of 60 divisions and a maximum of 90 divisions? Is that not a fact?

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- A. No, that was not the plan of the Krauch Office but of the Army Ordnence Office.
- Q. And is it not a fact that the Krauch Office knowledgethap-plan and was engaged in ---
- A. That is a matter of course, because any cooperation between the Army Ordnance office and Krauch was close. The Krauch Office was Plenipoter Mary, and he had to give oral technical assistance when going through the program.
  - IR. A CHAN: I have no further questions, your Honor.
  - TTO CONTISSITET: Is there any redirect?
- 17. Al CHAH: One moment, if your Honor please. Mr. Hinskoff has some additional questions, I'm sorry.
- TT CHUSSINGE: Oh, yes, I'm sorry. You may go alead, 'r. Finskoff BY HR. HINSK FF:
- Q. I am referring perticularly to Document Book VI, and it is Document No. 81 of Krauch, and Txhibit No. 115 of Krauch.

THE COMMISSIONER: What page is it on?

IP. HESKOFF: In the English it starts on page 41.

TIE COMMISSIONER: I have it.

# BY HE. INSKOTF:

- Q, Ir. Ritter, do you have any direct and positive information that Kranefuss was the person on whose initiative concentration camp inmates were secured by Farben?
- A. No, that is my assumption. That is something I consider to be very probable, because of the organization as we had it.
- Q. Is it also your as numption that the defendant Trauch was not the person who exercised initiative in procuring concentration camp inmates for Parben?

Or do you have definite information on that?

A. That is not my assumption, but it is my conviction. In view of my close collaboration with my chief, I would have known of any such

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proceedings.

- Q. Did you know who it was that informed dermann Goering that Farben would need concentration camp immates for the construction of I.G. Ausch-witz?
  - A. Po, I don't know about the process.
- Q. Do you know who actually did take care of the details in produring innates for I.G. Auschwitz?
  - A. No, I can't say.
- Q. You heard the provious witness testify to a conversation he heard about concentration camp labor. How, do you recall anything at all about conversations which Krauch had with foering on concentration camp labor before the foering order was issued February 18, 19412
- DR. ECETTO'ER: Objection. The question presupposes that the witness was present when Dr. Goernert was examined. That was not the case.
  - 12. MIRSKOFF: I'm sorry, I shouldn't have put the question that way.
  - THE CONTINUES: Are you withdrawing that question?
  - MR. MINSKE FF: Yes, I am withdrawing it.

TE CHRISSICHER: Very well, ask another.

### BY IR. IJI'SKOFF:

- Q. Do you have any information or recollection during the time you were working with the defendant Krauch of a conversation he had with Hermann Goering concerning labor for the construction of I.G. Auschwitz prior to the time the Goering order was issued in 1941?
  - A. No, I ke w nothing of that.
- 9. Do you know which Forben enterprises used concentration camp labor?
- A. As far as I remember, only Auschwitz did. The situation changed after the heavy bombing attacks on industrial plants, particularly gasoline plants. Then, I think, concentration camp immates were used at various places, but that was something which was not handled by Krauch, but by the Plenipotentiary Geilenberg.

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- Q. You don't have any information concerning who sup lied Dyhernfurt with concentration camp labor?
- A. Dylernfurt was not an N.G. plant, but belonged to the Army Ordnance Office.
- Q. The question was who say lied Dyhernfurt with concentration camp labor?
  - A. No, that is unknown to me,
  - Q. Do you know who supplied Gendorf with concentration camp labor?
- A. It is unknown to me that there were any there. I am hearing it here for the first time.
- Q. Do you know who supplied concentration camp labor for the Seawerk plant?
  - A. No, that is unknown to me.
  - MR. MISMOFF: Thank you very much.

THE COMPTSSHOUTH: Is there any further cross examination of this witness? Have you any redirect?

### REDIRECT AND THATFF

## BY DO. TO BE O'TED:

TWO CONTESTS TH: Fill you state whom you are representing?

- DR. ELETTCHER: Doctor Boettcher for Brauch, I beg your pardon.
  BY DR. ELETTCHER:
- Q. Dr. Ritter, then discussint Exhibit 2,300 of the Prosecution, you said that immediately after the interrogation which is contained in that exhibit, you handed a supplementation to the interrogator. Did I understand you to say that?
  - A. No, Dr. Boettcher, not immediately after. A few days slapsed.
  - · Q. Have you got this supplementation here?
    - A. Yes, T have it before me.
- Q. Then I would like to ask you to read it into the record, so that it is in the record together with bouldit 2300.

R.A. CHAN: One moment, please. We would have no objection if a

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and his view. We do object to his speking to elicit that information through a self-serving structure made after the event upon which we cross-ensuined. Now, if Dr. Noettcher wants to ask him independently of any writing he, himself, made what the fact is, we have no objection, we do object to having him read from a document he prepared, modifying, as we understand it, what he thinks he said at the interrogation.

THE COLD ISSUCHER: For the purpose of the record, Dr. Roettcher, is it a fact that the supplement which you are calling on the witness to read into the record is a supplement?

DR. XETTCHER: I must ask sim about that, ir. Examiner. I don't assume it, however.

TO COMISSION Yeary Well, proceed.

IR. A CHAN: Excuse he if I interrupt. I am very sorry, I had it on the German channel. Fill you give me the English on that?

(Thereupon the interpreter repeated the statement.)

EY DR. PIETCER:

Q. The witness will now state under oath that at the time he handed the interrogator, Hiller, this supplementation of his written statement. In order to do that, it has to be in the record.

A. Yes.

R. ANCHAN: One noment, please. We will have to renew our objection on the ground that as to what he wrote to an ther interrogator with respect to a prior interrogation is in aterial and we again repeat that if Dr. Boettcher wants to ask his now what the fact is, we have no objection, but to read into the record a document which was written by the witness, himself, not under oath, and the evidence does not show it was communicated to the interrogator who took the interrogation, would be going a bit far afield as to competency of evidence to prove a fact. The simple thing is to have oral testimony on behalf of this witness.

TYP COMMISSIONER: Dr. Boettcher, all this matter will come up before

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the Tribunal, as you well know. You, wouldn't it be a simpler watter if you get it into the record by ask ng the witness what the real facts were?

DR. TETTOER: I beg your pardon. I didn't get the translation of what you said. I didn't huite get it.

THE CON ISSNOTER: I say, Dr. 'cettcher, wouldn't it be a simpler matter if you were to ask the witness, as suggested by -r. Amchen, to state what the real facts were?

DR. TETTOTER: Well, ir. Examiner, I already asked his this: Did
you make a supplemental statement, and what was the content of the
supplemental statement, then since Dr. Ritter has the contents of this
statement before him, he would read it into the record, because he doesn't
remember it all in detail as he said it.

THE CELISSICHER: I think the argument has gone far enough so the matter will be before the Tribunal when it comes up. You may proceed with your examination. He may read into the record what you asked him.

- Q. Would you be good enough, Or. Titter, to answer this in order that the things are straight in the record. I ask you whether you consider the corrections necessary and correct even today?
  - A. Yos. In my opinion the corrections are very important.
  - Q. Co shend.
- A. I must state that a number of words are in the provious minutes which did not originate with me but which were dictated by Dr. Meilbrunn. May I read the decisive last pages?
  - Q. Yes, the examiner has permitted you to do that,
  - A. ( 1 page 12, the third question, and I quote:

"Did you correct the --- Lid you edit the report or was such editing done by Frauch?"

Abswer: "Do you mean the formulation of the compilation which was read to me before? I don't rumember having formulated it. It may be that in such an important case Brauch at the time himself formulated and compiled the report. On the other land, it may be that this was done by Te artmental Chief Hirschner, Te artmental Head Teuer, who now and again advised frauch on military and political matters. The ther I feutement Colonel Czimatis, who had close connections to the Thermacht, was Chief of Stoff of the Reich Office in April 1939, I do not remember."

Question: "Didn't Krauch explain to you what the purpose of the report was when he entrusted you with the compilation of all the pre - liminary reports?"

Answer: "At the moment I don't remember it. Would you be good enough to let me look at the document?"

Question: "Was it possible without mowing the purpose to do the preliminary work in a reasonable way?"

Answer: "As I can see after the documents are presented to me,

Dr. Krauch at the time demanded a ecifically to begin a possibility to

take into consideration the Southeast area in order to cover the raw

material demand. In addition, a survey was to be made about the progress

of the work in all the fields comprised in the Karinkell Plan. Even the powder and explosive field was important and it was necessary to render our position with respect to the expansion which had been demended. The Hindenburg program, dating back to the Pirst Forld War, had to be used for comparison of statistics."

Question: "In what form was the addition of the Southeast use ---

Answer: "The rest of the text can stand as it is.

Then again on to pege 1he

Answer: First line. "I don't believe, because I only know that he always thought that he was responsible for doing ever their reporty in case of mobilization with respect to elemical production. Since this report concerns a military, economic investigation, in my opinion the possibility of a war must have been at the basis of all considerations, since this is usual in all investigations carried on by the military people, or by the General Staffs."

The text may now romain unchanged up to the middle of the page.

Question: "Does the sentence, in your opinion, not express that Krauch was counting upon a war with certainty (next war) and that he thought that this war would come about immediately, 'very quickly'?"

Answer: "Mo. This text can be interpreted by you in this way, being Counsel for the Presecution. However, Dr. Frauch at no time told me about any definite date when he expected the outbreek of a war. The concept, trapidly! or 'more rapidly' cannot refer to a war which is imminent within a few menths. The Marinhall Plan was a long-range plan with the effects of which one could only count after many years had clapsed. At the time when the report was made the mineral oil program was only receiving its first iron quotas."

The text may remain unchanged up to page 15.

First answer: It must read: "This may be interpreted by you today to mean that Krauch, as I assume in view of his deeper insight into

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those matters, could forsed a war."

Question: "Ty question was this: Bust this not be interpreted that way of necessity?"

Answer: "No. We who were in the middle of the developments at the time and had no detailed insight into the political situation could not --- would not necessarily have to intermed it that way. Nowever, I must admit that from the point of view of the contemporary historian the said conception is well justified. That is to say, Erauch in this report assumed that a war was unavoidable."

Question: "A German aggressive war?"

Answer: "No. It could have come about that an opponent would have opposed Cerman plans by aggression on his part. For instance, there may have been armed resistance on the part of Russia when they were penetrating into Southeast Europe."

Question: "I think that will be enough for today. Thank you very much."

These are the minutes.

DR. BUETTCHER: These are the supplementations of these minutes which you sent to Fr. Heilbrunn.

- A. Yes, I handed the over to Interrogetor Filler.
- Q. I have another two brief questions. Coursel for the Trosecutions asked you about a PSV Clan of February 1939. By question is: Are the aims which were laid down in this February plan -- were they reached in the year of 1939?
  - A. I would have to look at the documents. I can't judge it offhand.
- Q. Another question. Was Krauch responsible for the exploitation of natural petroleum in Southeast Durope?
  - A. No.
  - Q. Do you know who was responsible for that?
  - A. It was the Reich Binistry of Economics, as far as I renumber.

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- Q Do you know of facts which go to show that Krauch, whenever ht uttered possibilities of war, thought particularly of an aggressive war?
  - A Mo, I don't know that.
  - DR. BCETTCoFR: Thank you very much.
  - DR. HOFFLAMM: Dr. Hoffmann, Counsel for the Defendant Ambros.

### REDIRECT EXAMINATION (cont'd)

# Dr. Etter

#### BY DR. HOFFLANN:

- Q Mitness, would you please be good enough to take hold of Document NI-1h70C. Then please turn to page 11. Having turned to page 11, you will see that you were asked about the defendant Ambros. Have you found that?
  - A No, I am afraid not. Is it 14700?
  - W Yes it's 14700,
  - A 14700. I see.
- Q It is on page 11 of the original, as it says in the copy before me.
  - A One moment, please, Yes, I have found it.
- Q Very well. If you would glance through that page briefly, and having done so, I would like to ask you whether it is true that you were asked about the Karinhall Plan?
  - A Yes, that's right.
- Q And you are now being asked whether you knew that Ambros participated in the administrative side of that plan. And there follows
  an answer from which I can only deduce that you wanted to say that
  Amrbose did not participate in the administrative side of this plan.
  - A That is true. I never heard anything of that.
- Q The next question reads: "Was Ambros active in the other work in connection with the Karinhall Plan? And the answer seems to say that that was not the case. Is that true?
  - A At least I never heard anything of that,

Q Your saying that would have been a matter for the Chiefs, what do you mean by "a matter for the Chiefs"?

A By that I mean that is something which can only be discussed by one departmental Chief with another. In other words it is a bosic question which the individual worker in the sub-department cannot deal with.

4 And was Ambros ever one such Chisf?

A Well, not in our office.

Q Very well, I shall now turn to another question. Dr. Ritter, you were asked about the commitment of concentration camp inmates — first let me ask you whether you knew about the commitment of concentration camp inmates as far as it concerned Auschwitz. Did you know about it in detail?

A I know that concentration camp inmates were employed there to a large extent. That is all.

THE COMMISSIONER: Dr. Hoffmann, I have just been notified that the film will run out in five minutes.

DR. HOFFMANN: I have only a few questions,

THE COMMISSIONER: Very well, five minutes is your limit though.

DR. HOFFMANN: That is enough.

Q Witness, if you assume and if you state that you were only broadly informed about the employment of concentration camp inmates in Auschwitz, how can you say, that one certainly did not know at krauch's office that perhaps a few hundred or even less concentration camp inmates were employed at other plants at Dyhernfurt or Gendorf?

A Wall, at least I didn't know it. Whether some of the workers in that office knew it or not I don't know.

DR. HCFFMANN: No further questions,

THE COMMISSIONER: Mr. Amchan, I am afraid we won't be able to get any more questions in on this witness this evening.

MR. AMCHAN: May I ask then, if Your Honor please, to have the witness recalled tomorrow morning since we have a hearing scheduled

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for nine-thirty. I have some short questions on redirect which I really cannot do away with.

THE COMMISSIONER: I thought that would be the way it would be.

There will be another witness tomorrow morning as I understand it. I am expecting Dr. Muellar to take steps to notify Defense Counsel to that effect.

HR. AMCHAN: The witness, I might state, it might be helpful to Your Honor to know, will be Dr. von Beek Gadewski.

THE COMMISSIONER: Thank you. This hearing will be recessed until nine-thirty tomorrow morning.

(The Commission recessed until 9:30, 17 March 48).

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on March 17, 1948, Commissioner James G. Mulroy, presiding.

THE MARSHAL: The Honorable, the Commissioner of Tribunal Number VI.

The Commission is now in session.

THE COMMISSIONER: Now, before resuming the examination of the witness now on the stand, I'll ask if there are any statements to be made by Counsel either for Prosecution or Defense.

Have you something, Mr. Amchan.

DR. BOETTCHER: Pardon me, Mr. Commissioner, I would like to make a brief statement about the documents submitted yesterday by the Presecution. NI-14,700, Exhibit 2,300. The Prosecution has made some copies available to the Defense and to the defendant and thus has left us in the balief that this document was signed by the witness because the copies bear the designation, Signature: Gerhard Ritter. I have found out that these signatures are not only on the German copy but also in the English copy. I think that this fact gives an erroneous picture to the Defense and to the Tribunal. At least, it could give an erroneous picture, because it is something very different if the Defense and the witness have to make a statement about documents which is not signed, especially in this case in which the witness has stated that he has reserved the right to make corrections about this document and that he has made corrections and submitted them to the Prosecution.

That is one point.

Bayond this, I have established that in the copy, in the Garman copy, handed to us there is a mistake which distorts the meaning, namely on page 16 of the original in the Garman copy. In the 5th paragraph, second line, instead of the word "Never" which Mr. Ritter used, there is the word "once." It is, of course, very different if Dr. Ritter has said, "Dr. Krauch never told me anything of a definite

deadline at which he would expect the outbreak of a war," as if he said,
"He told me once about it." In connection with the error which originated with us about the alleged signature of the document, the Tribunal
and the Commission will understand that this is unfortunately a case
which at least has to make us distrustful of the Prosecution material.

Thank you vary much.

THE COMMISSIONER: Has the Defense Counsel any further statement to make? Any of the other Defense Counsel?

Have you something, Mr. Amchan?

MR. AMCHAN: Yas.

Defense Counsel is referring to NI-14700, which was offered as Prosecution Exhibit 2300 for identification. I think the record should be very clear that the Prosecution did not offer this document in evidence. It only offered it for identification.

The document is an interrogation, a transcript of the interrogation of the witness on the stand, Dr. Ritter. The questions asked him were whether he remembered certain questions having been asked him at that interrogation and whether he made certain answers thereto. The document was then handed to the witness to refresh his recollection — and I want the record to be perfectly clear that the document that was handed to the witness was a photostatic copy of the original transcript which was certified by the official stenographer as being true and correct. Now, the document as such, as I have stated, was not offered in evidence.

To assist Defense Counsel in following the proceedings we made available to them at the hearing at that time our typewritten working copy. There were no final mimeograph copies distributed; they were typewritten copies which the Prosecution was using as its work sheets. There were pencil notations on the copies — at least the copy that I was working from, and I understand it was the same with the copies given to the Defense Counsel — which indicated that there were errors in the translation and that this was naturally a draft. But

beyond that the witness testified not as to the document but he testified as to the answers that he made in response to the questions put
to him at the prior interrogation.

My recollection is quite clear, and I think the record supports it. The witness definitely stated that he did not sign that interrogation. As a matter of fact, he went further. The witness stated that after that interrogation he submitted a supplemental memorandum to one of our interrogators wherein he undertook to make certain corrections in that interrogation -- corrections which I understood the witness to say were based on further reflection as to the testimony that he made; and I think the witness said that with respect to that interrogation he asked for permission to reflect on it and give a supplemental statement to be more correct. Thereupon, Defense Counsel undertook to reexamine the witness at length. And the witness read into the record his corrections and his supplemental statements which he says he gave to the interrogator.

Now, what is the state of the record on those facts? The document NI-14700, Exhibit 2300 for identification, has not been denied by the witness as constituting a true record of the interrogation that took place on 4 September 1947. He only stated that he made a supplemental statement thereafter which would in some respects correct some erroneous impressions that he may have had at the time he was interrogated.

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Now, under those circumstances I think Definse Counsel is entirely in error in ascribing motives to the Prosecution. It's entirely improper for Defense Counsel, especially since we conferred this morning and we agreed—or, at least the Prosecution offered to stipulate to put both of these documents in the record, in evidence. And the Prosecution further effered that before the processing of those documents takes place, before they are actually submitted to the Court, both the Prosecution and the Defense agree as to translations, or rather, physical or mechanical errors that appeared in the drafts and which may have mislead, although we do not see how, but which the Counsel thinks may have misled them.

Now the Prosecution makes that offer now inopen court and the offer is this: Hi 14700 we now offer in evidence as Prosecution Exhibit 2300, so there will be no mistakes as to just what that document contains, and consequently we withdraw the offer for identification and made the offer formally now to have that in evidence.

The Presecution is prepared to submit to Defense Counsel the stencil or any other copy from which the final copy which will be submitted and distributed to this Court, will be made for the purpose of having them indicate what mechanical or technical errors there may be in either the German or the English document. But we do not want to be misunderstood. By making this offer we do not mean to parant Defense Counsel to change the interrogation or any answers that the witness may have made at that time. It's limited only to any errors, obvious errors in transmission transcription, or translation.

Now the record as it now stands after yesterday's redirect examination by Defense Counsel is unintelligible for this reason. The witness undertook to read from his supplental statement, and the form in which the witness testified seemed to be that he was reading an interrogation. He said, "Question," and then he read soemthing and then he gave an answer. Question Answer. That, as I understood the witness, was his supplemental corrected statement of what he things the

facts are or what he would have testified to had he had an opportunity to correct the first transcript. Now, in reading that supplemental statement, the witness would say, "The rest of this is O.K." And then he would read a few questions and answers and then would say, "The rest of that is O.I." Now, of course, the record does not indicate what he was referring to when he said, "The rest of this is all right, "and, the rest of this is not all right." And we were in doubt as to just what he was reading from. And it was for that reason that we asked to call the witness back for recross examination, to staighten out the record. But I think there is no need to continue with the examination of the witness if Counsel for the Defense will stipulate that they will put in evidence the supplemental statement that the witness was referring to and the statement which we understood he tried to read into the record, or part of it, so that the record -- if Counsel for the Defense agrees to such a stipulation -- will be this: Prosecution Exhibit 2300 will constitute the transcript of the interrogation of this witness of L September 1917. The next document, if it's offered in evidence by stipulation, will be the supplemental statement of the witness with respect to that inte regation. Now, when that's stated in the record, we would have all the statements dealing with that interrogation in evidence and it would be a simple matter to compare both statements to sec what errors, inconsistencies, or modifications have been made by the witness, so that the Prosecution now formally puts to Decense Counsel the question whether he will stipulate to put in the record the supplemental statement that the witness was reading in, and accordingly will have a complete record of this entire interrogation, including the corrections which this witness desires to make. And, under those circumstances. Prosecution is prepared to forego any further examination of the witness.

THE COMMISSIONER: Well, Mr. Amchen, as I understand your position now, you are asking the Defense Counsel to make -- to agree to the stipulation that you have just outlined and in that event you will waive further cross examination?

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MR. ANCHAN: That's correct.

THE COMMISSIONER. We will hear -- I would like to hear from Defense Counsel on this matter for the purpose of having the record clear.

In other words, Dr. Boettcher, do you -- in other words, Dr. Boettcher, will you so stipulate?

DR. FORTTCHLE: Mr. Commissioner, I agree to the stipulation, but beyond that, after the statement of the Prosecutor, I am forced to state the following:

First of all, the severe reproach which I made against the Prosecution and which Ar. Amchan's statements have not removed, is part from some errors in the translation, the following: that yesterday rosecution left the witness and the Dofonse in the belief that a signed document is at hand here. And this is not fair by all the rules.

Secondly, the statements of Mr. Amchan, force to ask a few questions of Dr. Hitter about the manner of his interrogation. Up to this point, and according to my whole attitude in this trial, I have refrained from going into such matters. But the behavior of the Prosecution now forces me to do so., Therefore, I ask Dr. Ritter now:

REDIRECT FXAD INATION (Continued.)

DR. GIFHARD RITTER

BY DR. BOSTTCHER:

Q Dr. Mitter, is it correct that the interrogating officer of the frosecution told you during this interrogation, "Dr. Ritter, you don't even knew Dr. Krauch. Dr. Krauch wanted an appressive war and promoted one in order to increase and consolidate the gains of Farben." I wak you whether Dr. Meilbrunn tried to get you to say during this interrogation — to testify in the sense in which you have not signed to. Please describe the circumstances which are at the basis of my question.

A Basically what you say, Dr. Boottcher, is correct. During this interrogation I was under a great psychological pressure because, in a very lively preliminary interrogation, and there was no record of that,

I was informed by Ir. Heilbrunn that the Prosecution disposes of a mass of material which shows clearly that Forben, and with that, my former chief, had driven Hitler to war, of course, otherwise, there would have been no possibility for Farben to get even a small part of interest on the millions that they had invested. Of course, in my chief I always siw a man who was a model of a man for me, and at that moment all my ideas were completely reversed at the moment occause I had to believe Ir. Heilbrunn 's word. and I had to change all my views and I needed a long time in order to get my clear ideas back that this could not be so because as a cellaborator of my chief I would had to have some knowledge sbout these things. At the end of the interrogation which followed this, which was very lively, it was partly that I said something, partly that Dr. Heilbrunn completed some things that I said, and some things get into my answer that I did not say in that form. As, for example, at the end, the last enswer. There it says in the original record, "No not necessarily" and I said "No". Dr. Heilbrunn then put in, "No, not necessarily.". Of course, this distorts the sense. And, since at the end of the interregation I was not sure about what I might have said during this excitement I asked expressly to send me the transcript and this is the version that I had before me yesterday and which I then completed, and these completions were sent by me to Dr. Heilbrunn via Interrogator Euclier. Those are the facts of the interrogation.

DR. BCETTCHER: Thank you. Mr. Commissioner I shall summarize.

First of all I move the striking of exhibit 2300 which has been submitted for identification and I state that I agree to the following: that a document newly to be submitted, the contents of which were then taken by the Prosecution and taking into consideration the corrections by Dr. Ritter and I agree to the stipulation.

THE COMMISSIONER: Have you something on that, Mr. Amchan?

MR. AMCHAN: First, I would like to examine the witness further and then I will inquire as to the nature of the stipulation in order to ascertain what strings are attached.

THE COMMISSIONER: You will understand that there is now a motion to strike. Do you wish to answer that at this time or do you wish to take it up later on with the Tribunal possibly?

MR. AHCHAN: I will take it up a little later on. I think I will first lay a foundation for further examination of the witness.

THE COMMISSIONER: Do you understand that this document, Prosecution No. 2300 is offered in evidence?

IR. AMCHAN: That is correct.

THE COMMISSIONER: It is received now in evidence?

IR. AMCHAN: That is correct.

THE COMMISSIONER: I also notice, Mr. Amchan, that in the record I have here the document seems to be in German and there is no English translation.

MR. AMCHAN: As I explained, yesterday, it was only offered for identification.

THE COMMISSIONER: I understand.

IR. AMCHAN: And we only had our own working copies. As I understand the practice before the Tribunal, documents offered for identification are not processed for distribution, just the copy goes with the Secretary General and if any Counsel is interested they may examine the the document there. It does not become mimeographed and distributed the way a document which is actually in evidence is. Now when we undertake to

furnish Defense Counsel with mimeographs of a document for identification, it's merely an accommodation and it is not a formal matter as the document is in evidence.

THE COMMISSIONER: I only bring it up now, Mr. Amchan; by way of inviting your attention to the fact that there is no English translation of this in the files.

MR. AMCHAN: That's right. The original was in German and that is the one that is filed with the secretary.

THE COMMISSIONER: You are going to furnish now an English translation?

MR. AMCHAN: That is correct. We will process it in the usual manner.

THE COMMISSIONER: ALL right. You may proceed, Mr. Amchan.

MR. AMCHAN: I think Dr. Hoffmann has something.

THE COMMISSION ER: Excuse me, Dr. Hoffmann.

DR. HOFFMANN (for Ambros)

Mr. Commissioner, in this document, that is, Exhibit 2300, my client Ambros is mentioned during the questioning and because of that I must reserve the right to voice my position to the suggestion of the Prosecution for stipulation, rather I shall not agree to it until Mr. Amchan has asked his questions.

THE COMMISSIONER: Well then, when Mr. Amchan has completed his cross examination, you will signify what your decision is.

DR. HOFFMANN: Yes.

THE COMMISSIONER: Very well, Dr. Hoffmann.

DR. BOETTCHER: Mr. Commissioner, my attention is called to the fact that my motion for striking of the document 2300 must also refer not only to the submitting for identification but also to the submitting as evidence.

THE COMMISSIONER: I think that would be understood.

All right, Mr. Amchan.

### RECROSS EXAMINATION CONTINUED

#### BY IR. AMCHAN:

- Q Dr. Ritter, after the hearing of yesterday, did you confer with Defense Counsel?
  - A Yesterday I spoke with those gentlemen, yes.
  - Q After the Court session at four-thirty?
- A After the session, and I asked them to give me the text and I compared it with the original text of the interrogation here and I told Dr. Boettcher that this was a mistake which distorts the meaning.
  - Q What text did you ask Dr. Boettcher for?
  - A The text which was distributed here yesterday.
- Q Now, yesterday were you not given a photostatic copy of document 14700 when you were on the witness stand?
  - A Yes.
- Q And wasn't your testimony in connection with the photostatic copy that was before you?
- A The photostat was taken away from me again then and I didn't have it anymore. At the moment I don't know whether I had this text before me yesterday. I think I was basing my answers on the copy which I had of my interrogation.
- Q Well now, Dr. Ritter, isn't it a fact that during the entire time the Prosecution examined you yesterday, the Prosecution gave you the photostatic copy and directed your attention continuously to the excerpts that appeared in the photostatic copy which was in your hands, isn't that so?
- A The photostat was much more difficult to read and I wasn't so familiar with that text as with my own copy which I had in my hand. I looked at my own copy.
- Q I hand you now, Dr. Ritter, the photostatic copy which was handed to you yesterday, NI-14700.

A Yes.

- Q Will you please tell me, whether that copy is clear and readable. Look at the photostatic copy please and not at your typewritten notes.
  - A Yes, it cal be read.
  - Q Will you please look at the last page. Is that page clear?
  - A Yes, absolutely.
  - Q Now, your signature does not appear there, is that right?
  - A Mo, not mine.
  - Q You saw that yesterday, did you not?
- A No, I don't remember. I didn't look at it that closely yesterday because I knew that I myself did not sign anything.
- Q Now, looking at that copy again, Dr. Ritter, your name is typed in and above the typewritten copy is a line and there is no signature on that line above your name, is that right? Please direct your attention to the photostat.
  - A Yes.
- Q Mow, again, just direct your attention to the photostatic copy.

  Is Dr. Heilbrunn's signature there as interrogator?
  - A Yes, it's there.
- Q And do you also see the signature of the official Court stenographer?
  - A Yes, there is a Miss Wunderlich who signed it.
- Q Now, Dr. Ritter, you say that after that interrogation you prepared a memorandum which you gave to Mr. Mueller for transmission to Dr. Heilbrunn, is that right?
- A Well, a memorandum is too much. Just corrections, and completions and additions.
  - Q Corrections, completions and additions to what?
- A In reference to the contents and the meaning of various sen-
- Q Now, Dr. Ritter, at the time you made those corrections, completions and additions, did you have before you a transcript of the interrogation of 4 September 1947?

- A Yes, I had that.
- Q And is that transcript that you had before you at the time you made these corrections, completions and additions, the same as the photostatic copy which I just handed to you?
  - A Just by looking at it this seems to be absolutely the case.
  - Q I have no further questions of the witness. Now then -
- A One moment please, I would like to add something on the last page,
  - Q Of the photostatic copy?
- A No, of my copy which I then received. On the last page the prescaled signature are missing. It is not signed.
- I will you please let me have the copy that you received from lr. Heilbrunn?

Will you bear with me for a moment please while I examine it.

THE COMMISSIONER: Surely.

- Q Dr. Ritter, will you please look at the photostatic copy of the document, the photostat. Have you got that in front of you?
  - A Yes.
- Q I understand you to say that the last answer in the photostat differed from the typewritten copy that was given to you?
- A Ho, I merely said the last page insofar as in my copy the prescribed signatures are missing, that sall.
- Q All right now, let's see if I correctly understand you. Dr.

  Rittor, you have before you the photostatic copy of document NI-14700
  your interrogation of 4 September 1947. You also have before you the
  typewritten copy which you say Dr. Heilbrunn gave you. Now except for
  the missing signatures, could you please tell me if the last page of you
  typewritten copy as given to you by Dr. Heilbrunn is the same as the
  last page of the photostatic copy which you have before you. Is there
  any difference in the contents?
  - A No, there is no difference.

Q Now, jest one moment please. Am I correct then that the photostatic copy which you now have and the typewritten copy of the interpretation which Dr. Heilbrunn gave you are exactly the same as to competents and substance except for those three places for signatures? Is that correct?

A Yes, that is correct, but I must add without the corrections and additions made by me.

Q Now, these corrections and additions made by you are the supplamental corrections and additions which you made after you reserved that typewritten copy from Dr. Heilbrums, is that right?

A Yes, that is wone.

I how, would this be a fair statement than, he hitter, that if you took the photostatus copy of document MI 15700 and thereafter also took your corrections, completions and changes than those two documents together would represent a true, correct and tair version of your interrogation as corrected by you. Is that a fair statement?

A No, I just say that et that time I wanted toald consthing to my invariantly and I can only recognize the transcript together with the midditions made by me.

- Q. I am afraid you didn't understand my question. My question is this. If you took the photostatic copy of 14700 and if you add to that the changes, completions and modifications which you later made and which you read into the record, if you took those two documents, would that give a complete and fair story of the facts that were brought out at your interrogation as corrected by you?
  - A. Yos, that is true.
- Q. With that, if Your Honors please -- just one moment, a few more constions.

THE COLLISSIONER: Go ahead, Ar. Amehan.

- 1. Now, Dr. Ritter, when you were on the witness stand yesterday, did you have an impression that the photostatic cory which was given you an which you compared with the typowritten copy which you received from Dr. Meilbrunn had been signed by you?
- A. No, I never signed it, therefore, I didn't even pay any attention to that point. Yesterday or last night in the mimeographed copy which was distributed here I afterwards saw the signature and then I called Dr. Boettcher's attention to the fact that this copy had never been signed by me.
- Q. Where did you get the mimeographed copy which you are talking about? Who gave it to you?
  - A. Dr. Boettcher.
- Q. Now, let me see if I understand you. You were testifying from he photostat and after your testimony was over you conferred with Dr. Ecettcher and he gave you the typewritten work sheet which the Prosecution furnished him, is that so?
- A. No, I said before that I testified yesterday on the basis of my copy which also has my additions in it, and I had no opportunity yesterday to compare this photostatic text yesterday. I don't know that text, but I do know the transcript which was handed to me at that time.

Yesterday, Dr. Roottehur gave me, the minnegraphed copy which was distributed here yesterday and there I found mistakes which do not a gree either with the photostat or with the copy I have.

- Q. How, the copy that Dr. Beattcher gave you yesterday affact the Court session was ever, was that the English translation?
- A. No, it was a Gorman tech, in thich, apart from the mist but.

  Dr. Boettchor has already mentioned, there were above all signatures which were completely unknown to me. I never signed the december.
- Q. They were typewritten sepiez unileating the signatures, were they not? They were not actual signatures?
  - A. A mineograph copy with typomritten signatures. Jus.
- Q. You didn't see any original document or any photostat, did you?
- A. No, I did not, but since a copy was available whose correctness was certified to by some secretary under eath, I assume that there must
  have been an original from which this copy had been made.
- on the witness stand and while you were bestifying, the only issues you had before you was the protestatic copy of your interrogation which here no signature, at least, did not have your signature, and you also have before you the typowritten copy of that which Dr. Heilbrunn gave you which did not have any signatures and is it true that during the entire time of your testimony yesterday, the only documents that you had before you and from which you testified were documents that did not have your signature, is that right?
- A. I may say about that that when you sat in the editors box you have no time to read proof carefully, therefore, I didn't compare the document word for word. I think that would take up the time of the Tribural too much if one were to do that on the witness stand,
- Q. New, honestly, Dr. Ritter, were you under the belief yesterday while you were testifying when you had those documents in front

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of you that you thought that you had signed those documents? Tidn't you know all the time even after you were trying to tell me about your semilemental statement and corrections that you did not have a chance to sign use first interrogation, isn't that the fact?

A. I morely know that I never signed it. I don't quite understand your question.

THE COMPASSIONIA: I think the watness has answered the question there. You may proceed, lir. Amehan.

MR. AMCHIN: Just a few more questions,

- Q. Is it true that Dr. Boottehur suggested to you for the first time after the close of sussion and pointed out to you that in the type-written copy that he had there was a typewritten notation of a signature on the interrogation, isn't that true?
- A. Ho, that is mine. That comes from mo. I asked Dr. Boottcher to give me the copy that was distributed in Court and I compared this and I found those mistakes and only them did I discover that there were signatures undermeath it and this morning I told that to Dr. Boottcher.
- Q. The signatures you refer to are on the type mitten copy which Dr. Bookscher gave you, right?
  - A, The one that I asked Dr. Boottcher for, yes.
- Q. Now, when you were examined this morning by Dr. Roottcher you stated that you were under some isjohological pressure, during the examination with Dr. Roilbrunn.
  - i Tor.
- Q: More any threats or force used against you at the team of the interregation?
- A. No, it was done in a very fine manner, but I believe that what he said was sufficient to produce a sufficient amount of payenclogical pressure,
  - Q. Psychological pressure, did you say?
  - A. I said spiritual prossuro.

- Q. Spiritual pressure. Now is it not a fact that during the entire course of that interrogation Dr. Heilbrunn acted like a gentleman and treated you formally and decently, isn't that a fact?
- A. If. Amchan, if you call this genleman-like when I am told that my own Chief had promoted the war because he had to make an interest on his investment then it was gentleman-like, but I don't think one should confront a witness coming from prison, with such a statement which is proven by nothing.
- Q. I think you don't understand the question, Dr. Rittor. Let me put it to you. I am not asking you whother you agreed with anything Dr. Heilbrunn stated or not. I am asking you about the circumstances surrounding your examination. Was there any physical force or threats made to you in the course of that examination?

THE COMMISSIONER: That is a simple question, witness. Answer it bri-fly, please.

- A. No, no physical pressure was exerted.
- Q. Wore there any threats of force or physical pressure made to you during that examination?
  - A. No, in no way.
- Q. Doesn't it really come down to this, Dr. Ritter, that you were surprised at the nature of the evidence which Dr. Heilbrunn confronted you with and that is the reason for your spiritual pressure?

  Doesn't it come down to that?
- A. No, that is not what it comes down to, but that the man
  to whom I always had given my confidence and with whom I had collaborated
  with for ten years, that he is suddenly represented as a criminal and
  not only that is being suspected of it but that he has already been convicted for a long time on the basis of evidence submitted to the Tribunal
  I think that suffices.

THE COMMISSIONER: Mr. Amchan, it strikes me that some of the questions and the answers both are more or less along the line of argument.

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Now, if you have some additional points to cover in connection with this line of questioning you may, of course, precood, but I would like not to have the record cluttered up with a great deal of argument. You understan-

IR. MICHAN: I will bow to Your Honor's ruling and I think we have sufficiently enhausted that field,

Just two more questions,

Q. Do you recall, Dr. Ritter, having been interrogated by Pr.
Heilbrunn and you having conferred with him about a month or two after
4 September 1947? Do you recall that ?

A Yes, I was interrogated again by him about chemical warfare acents,

Is it not a fact, Dr. Ritter, that at that time, after your interrogation of 4 september 1947 when you conferred with Dr. Reilbrunn, you privately asked him for advice with respect to your own personal situation, isn't that a fact?

A That was a little bit different. We had a conversation during which I drew his attention to a newspaper article according to which some raw material plan for Europe was to be instituted in Switzerland, and I told him that was doubtless the proper place to place the experts from the former German Office for Economic Planning whose work it had been to do that before war broke out.

Q And did you ask him privately whether you could fit into that situation?

A I merely asked him where these gentlemen of Farben are now whom I wanted to contact after my release.

MR. AMCHAN: We have no further questions of the witness; and if Your Honor please, at this time in view of the witness's testimony that the interrogation as evidenced by Document 17400, Exhibit 2300, plus the corrections and additions which the witness read into the record in part, since the testimony is that in the witness's view both of these documents would represent a true, fair, and correct version of the interrogation as corrected by him, I renew my offer. First, we have already offered in evidence NI-14700 as Exhibit 2300, and I'd prefer to have Defense on its own motion offer in evidence the supplemental copy; but in the event the Defense is not inclined to do it, then we will ask the witness to produce that supplemental statement, and the Prosecution will offer it in evidence as its own exhibit in order to have a full and complete version of that interrogation about which \(\frac{1}{2}\) this issue has been made.

THE COLLISSIONER: All right, now, for the record let's dispose of this. Dr. Boettcher, are you willing to offer in evidence the additions and so forth which the witness has testified would constitute a complete and true interrogation? Are you willing to do that, offer that in evidence?

DR. BOETTCHER: Mr. Commissioner, of course I have not the least misgiving about immediately offering these corrections, but I would believe
that it would be the simplest for the record if Exhibit 2300 is withdrawn by the Prosecution and if we submit a new exhibit 2300 by using
the original text and by adding the corrections of Dr. Ritter, and if
we thus make up a new document which then will bear the number 2300.
This seems to me to be the simplest way.

THE COLLISSIONER: What do you say to that, Mr. Amchan?

LR. ALCHAN: I regret very much to state that that is unacceptable to us. First, I haven't seen the so-called supplemental corrections which Dr. Ritter made, and to take that and compare things, we'd run into difficulty as to what is a correct consolidated version of the transcript. Under the circumstances, I shall ask the witness or Dr. Boettcher to produce now his supplemental statement; and upon the production of that statement, we will offer it in evidence now, and I call upon them to produce that document for the purpose of having the Prosecution offer it in evidence so that we can have a complete set of the interrogations, the changes, and additions made by the witness.

THE COMISSIONER: Can you comply with that request, Dr. Boettcher?

DR. BOETTCHER: Yes, I have no misgivings. My motion was only to simplify matters.

THE COMMISSIONER: Then, you wish to, at this time, offer the amendments? You wish to offer those in evidence?

. DR. BOETTCHER: Mr. Commissioner, you will understand that I do have the desire first to make a copy of the corrections. I shall take the responsibility for the fact that the proper corrections will be delivered, and I shall be able to make them available by 12 o'clock.

THE COMMISSIONER: That will be satisfactory, I think, Doctor.

MR. AMCHAN: That would be all right, but just by way of my own information, I haven't seen the document that Dr. Ritter was testifying

about. I think since we are dealing with a specific document, we ought to, at least, have it marked for identification, and I could at least see it and then I will turn it over immediately to Dr. Boettcher to attend to the formal matters of processing.

THE COLDISSIONER: This is rather difficult --

DR. BOETTCHER: Yes, I agree to that.

THE COLLISSIONER: I was going to say, this is a rather difficult thing for me to handle because I am not authorized to make rulings; but it seems to me that from what I have listened to that the amendments and corrections have been read into the record, isn't that correct, Mr. Amehan?

HR. ALCHAN: As I understood the record yesterday, part of it was read, part of it referred to the original, part of it went again to the supplemental statement, and then back to the original; and I was unable to know what the continuity was.

THE COMMISSIONER: Well, all you want then is something with continuity, isn't it?

MR. ALCHAN: I think as the record stands now, since we have the 4 September interrogation in evidence as Exhibit 2300 -THE COMMISSIONER: Yes.

MR. AMCHAN: As I understand now, Dr. Boettcher now agrees to offer in evidence the supplemental statement.

THE COMMISSIONER: Which has already been read into the record.

MR. AMCHAN: I am not sure about that. I do not understand that to be so. I prefer to have the document as such in the record since we are putting the interrogation in the record; and as I now understand, Dr. Boetteher agrees to that, and I think that obviates or solves any problem that did exist a moment ago.

THE COMMISSIONER: Then you are agreeable to anything that Dr. Boettcher may offer as the supplemental material going into the record, sight unseen?

MR. AMCHAN: No, I understood Dr. Boettcher to agree just now to show me that, and we will mark it for identification, and then have it sent to the formal processing.

THE COLDISSIONER: Then you will make an agreement outside of this session?

MR. ALICHAN: I understood Dr. Boettcher made that agreement on the record, if Your Honor please, so the record is quite clear to that.

THE CONMISSIONER: Very well, if the record is clear, we will go ahead with something else then.

HR. ANCHAN: Does that conform with your understanding, Dr. Boettehor?

DR. BOETTCHER: Yes, I shall hand over the document for identification. I am submitting a document which I designate as Krauch

Document Number 300 and which represents a copy of the interrogation of Dr. Ritter on 4 September 1947 by Dr. Heilbrunn and which bears handwritten corrections by Dr. Ritter on pages 4, 5, 6, 7, 8, 9, 10 
pardon me, 11, 12, 13, 14, and 15. Pardon me, just one moment please.

All right, now, Mr. Commissioner.

looking at this document, I understand that to be the following: This is the typewritten copy of the German which Dr. Heilbrunn delivered to Dr. Ritter; and to this typewritten copy, Dr. Ritter has made changes, corrections, and additions, so that this document which Dr. Boetteher is offering as a Krauch Exhibit will be — and I am only inquiring, my understanding is that this document will be the typewritten interrogation which Dr. Heilbrunn gave to Dr. Ritter and which is now submitted as being Dr. Ritter's modified, completed, and corrected version of that interrogation, is that correct, Dr. Boetteher?

DR. BOETTCHER: I cannot say. I have to ask Dr. Ritter about that.

MR. ALCHAN: I might suggest, if we could formally ask him now off the record, then we could have the matter cleared up in a moment.

THE COLLISSIONER: Well, go ahead and do that.

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DR. MOFFMANN: Mr. Commissionor?

THE COMMISSIONER: Yes.

DR. HOFFMANN: Before, I reserved the right to take a position as far as the suggestion of the Prosecution is concerned, and before the decision is rendered here, I would like to make my attitude clear once more. I am asking the Prosecutor whether he agrees that what he shall later consider the consolidated and correct version of the witness! testimony or whether he also includes in this the changes which Dr. Ritter made yesterday in answer to my questions in reference to the position of Ambros to the Karinhall Plan.

If. ANCHAN: The question that Dr. Hoffmann addresses to me relates to appraising the value and the weight he attaches to anything that the witness said either in the interrogation as represented in the document or orally. Now, when Dr. Hoffmann interrogated the witness, whatever he said is in the record, and it is something for the Tribunal to weigh it and give it whatever importance the circumstances require.

THE COMMISSIONER: Well, now, I am going to say this. I am going to ask you gentlemen a few questions in regard to this thing to see if it is clear in the record. I think I understand what is happening. You have offered a certain exhibit, Prosecution Exhibit 2300, and it has been admitted in evidence. The witness has testified that he has made certain additions, corrections, and supplemental statements. He has reduced those statements to writing. His counsel has offered that writing in evidence as Krauch Document Number 300. Now, then, that means that the whole record is plainly within the — all those documents are now contained in the record, and they may be examined for what they may be worth. Now, is there anything further to discuss on this at all?

IE. AMCHAN: The only thing open is, I did put a question to Dr.

Boette er as to my understanding of the nature of the document, and I

think he is about to state whether I was correct as to my understanding
as to what Krauch Exhibit 300 is.

THE COMMISSIONER: I think he testified that these were additions,

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but you may ask the question if it can be enswered briofly.

DR. BOETTCHER: Mr. Commissioner.

THE COLLISSIONER: Yes, Doctore

ER. HOEFTCHER: I would like to add something in order to abbreviate these things. The simplest way is by giving this document to the Prosecution, and they can do with it what they want, and I withdraw the exhibit.

THE COLDUSTIONER: You withdraw the combit?

DR. BOETTCHER: I withdraw it as a Krauch exhibit, and I hand it to the Prosecution who already must have those corrections in their hands. Now, it is getting the corrections, and I beve it up to their fairness to do with it as they see fit.

THE COLMISSIONER: Very walle

NR. ALCHAN: We will dispose of that in two minumes. We offer in evidence as Prosecution Exhabit 2301 this becament marked NT-14800.

THE COMMISSIONER: Very well, it may be admitted. I will take that, Mr. Amchen. Have you something, Dr. Hoffmenn?

DR. HUFFMANN. I must unfortunately say that I must object to this.

THE TOURT INTOWER: Which are are you objecting to?

DR. HOFFMANN: I object to the form of the document.

THE COMMISSIONER: Which one is that?

DR. HOFFLANN: This document, Hr. Commissioner.

THE COLLISSIONER: 2301.?

DR. HOFFMANN: Yos.

THE COM ISSIONER: Very wall.

DR. HOFFMANN: This document does not have the form prescribed here.

It is a copy in which the untress Ritter without the prescribed form

made remarks. It is not a document such as it has to be when it is to

be submitted to a commissioner or to anyone clse designated by the

Tribunal.

THE COMMISSIONER: Your objection is in the record, Dr. Hoffmann,

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HR. AMCHAH: May I put two questions to the witness, and I think that should end the matter.

THE COMMISSIONER: Do you really have to put anymore questions? We have covered this ground very fully. I will parall it if you make it brief.

IR. AMCHAN: I think it is necessary.

THE COLL LOSIONER: Go aboad them.

PECHOSS EXAMINATION - Continued.

#### BY LR. ALCHAN:

- W. Dr. Ritter, did you see a moment ago the document that Dr. Boettcher handed to me which we identified as NI-14800 and offered in evidence as Prosecution Exhibit 2301? Will you please look at that document? I hand it to you now.
  - A. Yes.
  - Q. You have Exhibit 2301 before you:
  - A. Yes,

THE COURTSFIONER: Wire Witness, Ask him if he sees the numbering 2301.

MR. AMCHAN: I was about to ask a few questions to particular); identify that documents.

THE CCM.ISSIONER: All right, you may proceed with that, places.
BY LIR. ALCHAN:

- Q. Now, Exhibit 2301 which you have before you consists of how many pages, Dr. Pitter?
- A. That is Prosecution Document NI-14800. Exhibit 2301 is not listed on there.
- Q. That is the same document we are talking about, NI-14600. Now, how many pages is that document?
  - A. 15.
- Q. Now, is that the document about which you testified as containing your additions, changes, and so forth, en in the assertestable of Dr.

- A. Yes, that is the document.
- Q. And does that document represent what you believe to be a true version of the interrogation?
  - A. Yes.
  - TR. AMCHAN: No further questions, Mr. Commissioner.
  - 1R. HOFFMANN: Mr. Commissioner, may I only say for the record--
  - THE COMMISSIONER: Yes, Doctor.
- D.I. HOFFMAIN: that I agree to the identification of this document by the Prosecution, but that in my opinion the identification says nothing about the actual introduction of the document as evidence.

THE CONLISSIONER: Very well, Doctor. Has either Defense or Prosection any further questions to put to this witness? Hearing nothin, I will excuse the witness from further attendance.

(The witness was excused.)

THE COMMISSIONER: The film will run out at 11 o'clock which is our customary recess period, and there are no further witnesses to be heard on this call; but I understand that a lir. van Beek will be here this morning. Do you know if he is in attendance, Hr. Prosecutor?

IR. ALICHAM: 'I have seen him, and I have seen Dr. von Motzlor, his attorney, and as far as I understand they are ready to proceed after the recess.

THE COMLISSIONER: What is Mr. van Book going to testify on?

- R. ALCHAN: He is an afficht of Gajowski, and I will give you in a moment the affidavit that he is going to testify on.
- The COMMISSIONER: Well, I was thinking more than anything else as to defense counsel now present whether or not they have any interest in his examination. They have indicated they have no interest and their clients, the defendants now present, have no interest? Very well, then this hearing will be recessed until 11:10.

(A recess was taken.)

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THE MARSHAD: All persons will take their scales. The Countesion is again in session.

THE CANTESTONER: Are there any matters of which the prosecution or the darense wish to make a record? Have you sensithing to say, by, Ecetteber?

Dr. FCBTYCFRk: Yes, sir.

THE COMMISSIONERS How about you, Er. Machine?

DR. THE LAR. In view of the fact that the witness, Van Beak, was to leave through and on the casis of an agreement between prosecution, and Dr. Von beiteler, the corse examination of the witness is so telephase man, wethers twonsy-four hour modice having been given. I should like the record to that show all the rights of the other defense counsel are being reserved.

THE COMMISSIONER For Marshal, will you, for the pergess of the record, report on the defendants present?

CFF: IwwSBAL: The defendant, Gajewski, is prosent in the Country of

Tel: 00.8 ISSICNER: Very well. Dr. Ven Ketzler, you represent the defendent, Gajewski, and this is a defense witness. Have you eny direct aveningtion?

PR. VOW METZLEP: Yos, sir.

THE CONCESSIONER: You may bring in the witness,

HEINTICH YAN DOFK, a witness, took thes tand and testified as follow,

THE COLICSIONER: -r. we those, you will please daise your right hand, pronounce your name, and repeat after me:

I swow by God, the Almighty and Carriscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the cath.)

THE C'mi ISSIGNER: Witness, you may be scated. Dr. von Metalor, just one moment please, Mr. Witness, before we start the examination you are advised that it is right to speak and testify fully and fruely in response to any questions that are asked you.

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However, it is the desire of the Tribunal that you make your enswers brief and direct, and avoid any unnecessary comment. You may be assured that if your answers are considered incomplete, that the counsel who is interrogating you will ask other questions. Now, before you there are two lights a yellow light and a red light. When the yellow light is flashed, that indicates that you are speaking too fast and you should slow down. When the red light flashes, that indicates you should sop until you are directed to proceed further. Give a sufficient interval between questions and answer so that the translation can come though both to you and to the Commissioner, and for the record.

You may preceed, Dr. Von Motzler.

## DIRECT FXAMINATION

BY DR. VON MERCHEN for the defendant, Gujenski:

Q Witness, please state your full name and date of birth for the record.

A ky name is Heinrich Van Beck, and I was born the 19th of March, 1892.

Q Vitness, on the 2nd of February, 1948, you made an affidevit which was introduced as Gajewski Decument 43, for the defendant Fr Gajewski, and was effered as Exhibit 16 Gajewski, in this courtroom. I now ask you, did you discuss this affidavit with me once more yesterday?

A Yes.

Q I further ask you do you went to make any additions or changes in this afficavit?

A No.

DR. VON ABIZIER: The witness is available to the presecution.

THE COMMISSIONER: You may cross-examine, Mr. Amchan. Mr. Amchan, I will say that I have not found a copy of the affidavit from which this witness is testifying among my files, and for that reason, if any question is raised, I will have toosk to borrow yours.

HR. AMCHAN: For more particular identification, if Your Honor please, the affidavit is contained in Gajewski Document Book No III, it is

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Gajowski Exhibit 18, and it is Gajowski Document No. 43, an affidavit of Heinrich Van Beck B-e-c-k.

THE CONTINUER: I will have to depend on you, Mr. Amchan. to stay within the boundaries of the affidavit, I will be unable to check it. I will have to leave that to you.

Mr. INCHAN: 'I will bear that in mind.

THE COMMISSIONER: All right, thank you.

CROSS EXAMINATION

by HR. AMCHAN:

- ? Mr. Van Boek, you state in your affidavit that in 1933 and 1934, the N: zi Regime took up an expansion of its fiber production program, is the right?
  - A Yes, that's right.
- Q De I correctly understand you to state that during that period of time, despite the insistence of the Mazi Government, that Farben increased its facilities for the production of synthetic fiber? Farben resisted and declined to expand its facilities -- do I correctly understand you to say that?

A It wasn't quite like that. It was like this: at that time the Reichs Ministry of Economics, through its representative, Von Kuppe, urged a program of fiber production with a yearly production of 100,000 tons. This program was discussed. I.u. Farben then stated its opinion to this suggestion of the Reichs Ministry of Economics to the effect that Dr. Gajewski sent a momorandum to the Reichs Ministry of Economics, and as far as I remember, this memorandum envisaged a fiber production of 60,000 or 66,000 tons per year.

Q hir. Witness, could you please try to reply directly and tell me whether or not it is a fact that Farben at that time declined to expand its facilities for increased synthetic fiber production -- is that right?

A No, Farben did not refuse to expand its fiber production. At that time the situation was that we were the only producers of fiber in Germany. 17 Mar. 18-14-GJ-9-4-Bushnell-Court 6 Commission

We had introduced the se-called Wistra fiber, and we had a certain defimite production program which in 1933 and 1934, if I remember correctly, was carried out without consultation with and without intervention from the Reichs Ministry of Economics, of our own free will.

Q What do you mean in your afficient when you state that Formen took up the issue — I assume you mean with the Masi Coveragent — and expressed the opinion that such an expansion could not be firstified? What do you mean by that?

A I mean that the market was not yet ready at that time royal. My to absorb 100,000 tens.

Q Even thrugh the Next Government thought that market was ready I.G. Farben thought the market was not ready, is that correct?

A Yes, you can express it that way,

of find the landered in understanding your applicants that Farton did not follow the West policy of expandion at that the -- is that right?

A Well, I must repeat over and over again --

Q Ploase, Hr. Witness, it is not necessary to repeat. It is either right or not, If you have already stated it, I think you have sufficiently asswored. Was the last question a correct statement, or was it not?

A Well, this question can't be answered thoway you put it.

- Q. Well, now, look at your affidavit again. After stating that in 1933 and 1934 Farben took up the issue with the Nazis and expressed the opinion that such an expansion could not be justified you proceed in your affidavit to state that Farben subsequently conducted its policies accordingly. Now, I ask you, Mr. Witness, when you refer to "subsequently", do you meen the period after 1934?
- i. If I understand you correctly, you mean the sentence that Farben, in the period following, acted accordingly, is that correct?
- Q. My question is: when you say in the period following, do you mean the period following 1934?
  - .. Yes.
- Q. Now, when you further strte that Farben acted accordingly, do you mean that Farben continued to decline to expand its facilities for the production of synthetic rayon?
- i. Farben didn't decline. I told you already that we had a certrin definite program which we carried out. However, we didn't carry
  it out as the other concerns did which subsequently concerned themselves with the production of rayon, because they were built up with
  Reich funds. Farben built up its factories from their own funds.
  - Q. Who was Hans Kahrl K-c-h-r-1?
- bus, and if I remember correctly, he joined Hitler's staff later on and still later became general consultant in the Reich Ministry of Economics in Berlin, and in this capacity, he concerned himself with cellulose and artificial rayon.
- Q. Is it correct to say that Hans Kehrl was the Government official of the Reich, in charge of the production program of synthetic rayon and related waterials?

DR. VON METZLER: Objection, Your Honor. The name of Hans Kehrl, as far as I can see, is not mentioned in the affidavit. I think the question is beyond the scope of the affidavit.

THE COMMISSIONER: Do you have something to say to that, Mr. Amchan?

MR. AMCHAN: Yes, very simply. I think counsel for the defense misconstrues the nature of the cross examination. The affidavit deals with Gajewski's participation in the synthetic production program. When the witness makes an affidavit covering that subject matter, the field of inquiry is open to us on that subject matter. Now, then, if a Government official is involved in connection with the subject matter as to which this witness gave an affidavit, the fact that this witness does not mention that official would not preclude us, in our view, from inquiring as to the subject matter of the Government, in its relation to Farben, as to this program, because this affidavit specifically refers to the Nazi Regime's program for the production and increase of synthetic rayon, and he puts in his affidavit that they told the Nazis, and took issue with them, as to their program, and they did certain things. The subject matter, I think, is open to us on cross examination.

THE COMMISSIONER: The record will show the objection and also the snawer to it, and you may proceed with your question.

BY MR. LICH W:

- Q. Mr. Witness, do you remember the last question?
- · A. No.
- C. Is it true that Hans Kahrl, during the period, say, 1936 to 1939, was the highest official of the German Reich in charge of the production program of synthetic rayons and related products? Is that true?
  - A. I ssume so, yes.
- Q. Do you know that Hans Kehrl, as such government official of the Reich, requested Gajewski, as a representative of I. G. Farben, to expand his facilities for the production of synthetic rayons? Do you know that?
- A. I can't testify about synthetic rayon. That wasn't my sector.
  Wy sector was cellulose and assetate rayons.
- Q. Well, in the field of your sector, do you know that Hans Kehrlesked Gajewski, as a representative of Farben, to expand his plant

facilities to increase the production of the products within year sec. .?

Do you know that?

- A. I can't answer this question exactly, because I was not present when Dr. Gajewski had this conference with Mr. Kehrl. All I know is that there were some differences concerning chemical matters between Dr. Gajewski and Kehrl, concerning the expansion of the collulose production.
- On you know whether the differences between Hens Kehrl and Dr.

  Gajewski related to Kehrl's insistence that the Farben facilities be expanded for this production, and Gajewski's insistence that they be not expanded? Do you know that as being the nature and cause of their difference?

THE COMMISSIONER: Just a moment, now. There will be an objection here, witness.

DR. VON METZLER: I must object to this question, because the elleged differences between Kehrl and the defendant are definitely not the subject of this affidavit, and therefore, I most definitely object to this question.

MR. IMCH.N: In reply, I would state that since the differences that we are seeking to interrogate the witness on relate to the subject of expansion of plant facilities for the production of the items referred to here, it is a field upon which we may inquire, because the subject matter in the witness! affidevit is with respect to the field of the expansion, or refusal to expand, Farben production facilities for the production of synthetic regens and synthetic cellulose, or related products.

THE COMMISSIONER: Your theory, then, is that the questions you are asking in that respect are directly connected with the facts tostified to in the affidavit?

MR. MCH/N: That is our view, that they are directly connected with the subject matter.

THE COMMISSIONER: The record will show the ergument of counsel in this metter. You may proceed with the examination.

### BY LER. 25CH IN:

- Q. Do you recall my last question, witness?
- A. Plasse rupset it.
- Q. Do you know, or did you know that the difference between Hams Kehrl and Gajewski related to the insistence on the one hand, on behalf of Hams Kehrl, that Farben expand its facilities so as to increase production of synthetic rayon, collulose, and related products, and Gajewski, on the other hand, equally insisted that Farben would not undertake such an expansion program? Do you know that? Did you understand the question?
- A. Well, I don't know exactly what this was all about. All I can say is that I do know there was considerable friction between Dr. Grjewski, and Dr. Hans Kehrl. Whether this tension was the result of the questions you just put, I don't know. As I told you just now, I wasn't present during these conversations.
  - Q. Did you hear those matters discussed when you were at Farben?
- A. Yes. Plasse take the following into consideration: these matters took place twelve years or more ago, and I am not prepared for these questions, because I don't think my affidavit gave cause for these questions to be put.
- Q. Well, now, in your effidavit you seem to remember quite distinctly that in 1933 and 1934 the Nazi Regime set up a program for the expansion of fiber production. You remember that distinctly in your affidavit? I am asking you now —
- A. Yos, I remember that quite distinctly, but this schodule was not not up by Herr K-nrl, but by Herr Kuppe. That is what I said at the bo-ginning.
- I ask you now, Mr. Witness, do you also know that after 1936, the Mazi Regime accelerated its program for the expansion and increase of production of synthetic rayon and collulose? Do you know that?
- A. 'fter 1936 in the period after Mr. Kehrl had been appointed --

was never negotiated with us so much as with the firms which started this production with Reich-owned funds.

- Q. Is it a fact, Mr. Witness, that Farben declined to follow the expansion program of Kehrl after 1936, and refused to acceed to his requests for the expansion of production facilities to increase the production of synthetic regons and cellulose, isn't that a fact?
  - A. Well, I have already answered this question, once or twice ....
- 9. If you have answered it, could you please tell me whether or not that is or is not the fact, if you are so clear on the subject matter?
- A. I think my enswer is quite clear. I say that we of Farbon had a cortain program which we set up ourselves and that we carried out this program, and that we didn't give up anything for which Herr Kehrl or anyone else in the Reichs Ministry of Economics requested us to do.

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Q.- If you refused to do what the Reich Government officials asked you to do? Is that it?

A.- Refused? I don't know whether that's the correct expression. We a negotiated with them and told them our opinion.

Q .- But you didn't do what they asked you to do, is that right?

A.- I don't know what was requested. After all, they requested Dr. Gajewski whatever they wanted to be done, not me.

Q.- Well, you knew that the Nazi Government officials after 1936 manted an expanded program to increase production facilities for synthetic rayons and cellulose? You knew that, didn't you?

A .- Yes.

Q.- Now, did Farben or did Farben not undertake to expand its production facilities for that purpose?

A .- I must ask you --

Q .- Answer that yes or no first, and then make explanation that you think necessary.

A .- I simply can't answer in the affirmative or say no.

Q .- Do you understand the question?

A .- May I point out the following?

Q.- Now, first, Mr. Witness, please, did you understand my question?
THE COMMISSIONER: Let me see if I can clarify this a little.

Mr. Witness, Counsel has asked you whether or not Farben did or did not follow out the direction of the Nazi regime in regard to the production of cellulose. You understand that?

A.- Yes.

THE CONTINUENT: Now, can you say yes or no to that?

A.- I am afraid I can't say yes or no because that is a question I simply can't answer at all.

THE COMMISSIONER: You may proceed, Mr. Amchan.

I thought I might possibly speed it up a little.

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MR. AMCHAN: Thank you. I thought that was helpful.

Q.- Now, in your affidavit you represent yourself to be the person the is very familiar with the Farben activity on production of celluloce, isn't that right?

A.- Yes. Not the production but the allocation — the allocation of textile and cellulose and the use of these products.

Q .- Well, are you familiar, for example, with production quantities?

A.- The quantity, yes.

Q.- Now, if you are familiar with the production quantity yards, could you tell us whether or not Farben after 1936 increased its production facilities for the purpose of having increased production of synthetic cellulose and rayons?

A.- Yes.

THE COMMISSIONER: He has answered the question. You may proceed.

MR. AMCHAN: The trouble is that I don't understand the answer.

A.- Well, you asked me, didn't you, whether after '36 I.G. increased the quantity of its production?

Q .- Its facilities. Its capacity.

THE COMMISSIONER: He said he did.

Q.- And is your answer that Farben did increase its facilities and capacity?

A .- Yes. As my chart shows.

Q.- Could you tell me whether or not Farben went along with a Kerl program or did not go on with a Kerl program with regard to expansion of Production facilities?

A.- I don't know what the Kehl program looked like. I am afraid I can't answer that. I must repeat over and over again that we stopped --

MR. AMCHAN:

our profession.

No further questions, Mr. Witness.

DR. VON METZLER: Dr. von Metzler for the defendant Gajewski.

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Court No. VI, Case VI - COMMISSION

# REDIRECT EXAMINATION

### HEINRICH van BEEK

BY DR. VON METZLER:

Q.- Mr. Witness, I want to return to the situation you described in your affidavit and I want to try to clarify it.

Did I understand you correctly that Farben until 133 was the sole producer of cellulose in Germany?

A.- Yes.

Q.- Did I understand you correctly furthermore that Farben had its own production schedule for the expansion of cellulose production?

A.- Yes.

Q.- Is this expansion of Farben production as you showed in your chart of from '21 upward, until 1935, similar to the program of I.G.?

A .- Yes, I assume so.

Q.- Very well. When in 1933 the Government requested the expansion of cellulose production in Germany to 100,000 tons per year, did Farben then let itself be influenced through this request in the carrying out of its own production schedule?

A.- No.

Q.- Was the attitude stated by Dr. Gajewski in his memorandum -- was this attitude kept by Farben until 1935?

A .- Yes, I think I can answer this question with yes.

Q.- The memorandum of which I spoke just now - was that the memorandum you mentioned in your affidavit? .

A .- Yes.

Q.- Thank you. As a result of Farben's point of view until '33 when Farben, as you stated was the sole producer of cellulose in Germany, did the Government see to it that other factories started production of cellulose?

A.- In 1933? I don't think it was that early and I don't think it

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was as early as 133. If I remember correctly, Farben was approached and was asked to start this production program of 100,000 tons per year, but meanwhile other firms in Germany had started to take a liking to the production of celluloce and during the conferences with Herr Kuppe there were representatives of other firms.

Q.- Very well. The chart which you append to your affidevit shows, if I understand you correctly, very clearly a decrease — a decrease of the original 100 percent share of I.G., in cellulose production from 133 downward, until 144, to 16.9 percent from the original 100 percent.

A.- Yes.

Q.- May I understand this to mean that consequently other firms which had not -- which had not produced cellulose before had taken over I.G. Farben's share?

A.- Yes. -

Q.- I now turn to the year 1936. Do you remember, witness, what the plan was which was promulgated in 1936?

A .- If I remember correctly, it was 160,000 tons.

- G. Excuse me. I'll come to that later on. What I wanted to ask you is the designation, the name of the plant which was proclaimed in Germany in '36.
  - A. You mean the Four Year Plan?
- C. Yos, I do. My next question is: What measures were taken or contemplated within the scope of the Four Year Plan for the collulose sector?
- A. The first stage was 160,000 tons per year, but I do not remember the exact figure. I think I remember that it was approximately that.
- Q. Thank you. Did Ferben preticipate in this production expansion in the scope of the Four Year Plan?
- cover and over again that we had our production schedule, and may I explain that we were producing collulose according to the various chemical methods. We were producing it after the viscose process, after the copper ammonium process and according to the acetate method. All those methods were used in various factories. And, in order to utilize the facilities of those factories, we, of course, had to produce a certain quantity of collulose, and this quantity was according to the development which we carried out—or, rather, the success of the development work which we had done. This must be understood to mean that we always held ourselves within the scope of a certain free economy. For one thing, we saw that a collulose with the necessary properties was produced; secondly, we saw to it that we had the right price in propertion to the pull fibers.
- 9. Litness, and if I understood you correctly, you yourself can not tell us whether at that time increased its collulose production within the framework of the Four Year Plan?
  - A. No, I do not remember that.
- Q. Witness, do you remember that in 1938 the Government requested a further considerable expansion of cellulose production and, if so, how high was this expansion?

- A. I do not know of that. As for as Forben is concerned.
- Q. I mean in general,
- A. Well, in general it was known that the Reich Ministry of Economics at that time got together with the other producers of cellulose and discussed certain production schedules.
- G. Then you do know in any case that in 138 a further expansion of callulose production in Garmany was requested by the Government?
- A. I don't know whether it was requested or whether the new producers of cellulose tried to produce more, I do not know. However, I as—
  sume that the Reich Government, of course, requested these production
  increases perhaps because, due to the complicated trade situation we did
  not have enough foreign exchange in order to import a sufficient quantity
  of raw material.
- Q. Excuse me, Witness, for interrupting you. However, I didn't ask you for the reason of the production expansion but simply the facts. I now ask you: Did Farben from '38 on participate in a further expansion of callulose production?
  - A. No.
  - Q. Are you quite sure?
  - A. Yes. The chart shows it.
- Q. Indeed. Does the chart further show that the rest of German cellulose production from 1938 on increased considerably?
  - ... Yes.
- Thank you. Witness, one question in conclusion which concerns the memorandum you mention in your affidavit. Do you remember what the motivation of I.G.'s viewpoint was for considering an annual production of 100,000 tons — of 100,000 tons which was not economically feasible?
  - MR. AMCHAN: Objection. (Unintelligible.)
- DR. VON METZER: Well, I think I didn't ask the witness to draw a conclusion but I simply asked him about the contents of this memorandum, which motives were set forth in the memorandum in support of the viewpoint

of I. G., that a production of 100,000 tons from an economic point of view was not wise, and therefore I. G. would not recommend such an expansion of production.

THE COMMISSIONER: Now, Mr. Amchen, ere you bojecting to the last question?

MR. MCH.N: The objection I made to the last question was on the ground that the question called for the witness's conclusion. Since I made the objection Dr. von Metgler has referred to, again, a memorandum which he states appears in the affidavit. Merely by way of inquiry, I would ask Counsel to indicate where the affidavit has a reference to this particular memorandum that this witness is being asked to testify about.

THE COMMISSIONER: Counsel, will you indicate where the memorandum is mentioned in the effidevit?

DR. VON METZLER: Woll, Mr. Commissioner, may I respectfully point to paragraph 3 of the affidavit — I beg your pardon. Paragraph 4 of the affidavit. There it is said, the second sentence, when in 1933 to 1934 the Mazi regime set up its first program which provided for a yearly German collulose output of 100,000 tons, Farben too up the issue and expressed the opinion that in view of the buying power of the market and for other economic reasons, such an expansion could not be justified. I think it follows from the sentence that there has been a memorandum.

MR. /MCH/N: I think I could simplify it. If Dr. von Metzler wents to put in the Farben correspondence in support of the witness, I have no objection.

THE COMMISSIONER: I think the record on this matter is sufficiently clear, so that if the — if it comes before the Tribunal for a decision, the question has been clarified so that they can make such decision. I think we should proceed now with our interrogation.

MR. MCHAN: May I, if your Honor please, just to clear up an ambiguity which is in my mind.

THE COMMISSIONER: All right, by all means, Mr. Amchan.

MR. ANCHAN: Counsel is about to interrogate the witness about a document. The document has not been identified; it's not present in court. The Prosecution hasn't seen it, and I am informed by Counsel for the Defense that they haven't got that document present about which they intend to interrogate him. Now, under those circumstances,—in our view, it is objectionable to interrogate him about any document which is not physically in existence for counsel to see.

THE COMMISSIONER: Unless they show that it's a lost document.

Well, do you wish to pursue this line of inquiry any further, Dr.

von Metzler?

DR. VON METZLER: Well, Mr. Co.missioner, I think I am within the scope of the efficient if I ask this question, because the witness mentions this memorandum and therefore I think I am entitled to put the question about the motives.

THE COMMISSIONER: I don't see the ----

DR. VON HETZLER: Because he indicates in a broad sense already those motives in his affidevit.

THE COMMISSIONER: I don't see the -- I don't see any montion of the memorands in the affidevit.

You may proceed.

DR. WON METZLER: May I ask a short question in this connection?

- Q. Do you know the content of this memorandum? Do you remember it?
- 4. Yes, I think I remember the contents.
- Q. Witness, do you know who signed this document -- this memorandum?
- A. Probably Dr. Gajewski.
- Q. Do you know when this memorandum was sent off?
- A. Presumebly in 1934.
- G. Can you now enswer my question what the motives were for the I.G's rejecting the request for the increased cellulose production?
- A. Purely economic reasons. Namely, in consideration of these matters we must remember and always keep in mind that, first of all, the

properties of cellulose must be considered — the prices must be considered and all in relation to the natural fibers, such as wool and cotton, and so forth. May I point out very briefly that cellulose showed certain shortcomings in spite of certain advantages. In particular its su-called moisture resistance wasn't very good.

Q. Very well.

DR. VON METZLER: This, Mr. Commissioner, concludes my redirect,

THE COUMISSIONER: That is very opportune, Councel, because the film is about to expire, in five minutes.

FR. MCH/T: I would just like to make a formal motion for the record and that is we move to strike from the record all the testimony of the witness relating to the document about which he curports to testify or the ground that the document is not physically present, was not clearly identified, was not marked for identification, was not offered in evidence, was not physically shown to Counsel, and the fact there is no basis upon which anyone can tall what the document is that the witness has testified about, and on those grounds we move that his testimony be stricken from the record.

THE COMMISSIONER: The record will so show.

There is nothing further from this witness?

The witness is excused.

(The witness was excused.)

THE COMMISSIONER: There will be a hearing tomorrow morning on the efficient of one Dr. Charles Bendel, at 9:30 in this courtroom.

Dr. Charles Bondel, on Exhibit 1811, Document Mi-11,953.

We are adjourned until 9:30 tomorrow morning.

(The Commission adjourned until 0930 hours, 18 March 1948.)

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Official transcript of Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al., defendants, sitting at Nuernberg, Germany on 17 Harch 1943 Judge Curtis G. Shake presiding.

THE HYRSHAL: The Honorable, the Judges of Military Tribunal
VI. Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal. There will be order in the Court,

THE FRESIDENT: ir. Marshal, you may make your report.

THE MARSHAL: May it please your Honors, the defendant Haefliger is absent because of illness. The defendance Jachne, Wurster, Gajewski, Krauch and Ambros are excused by the Tribunal.

THE PRESIDENT: The defendant's Krauch and Ambros have been excused to attend the Commission meeting. The defendant Haefliger has been excused due to illness. The other defendants are excused at their requests to prepare for their defenses. Any announcement: from counsel for the defendants? Anything from the prosecution? Then you may continue with your examination of the defendant in the box.

DIRECT EXAMINATION (continued)
HAX ILGNER (resumes the stand)

### BY DR. NATH:

- Q. Yesterday at the end we discussed promotion of exports and particularly your memorandum about the promotion of exports. I have one more question in regard to that point. Did you draft that memorandum from your own initiative?
- A. No, as can be seen from Book AG, Exhibit Number 762, I made this memorandum upon the suggestive PF the main delegate in the Foreign Trade and Currency Committee of the International Chamber of Commerce in Paris, State Secretary Retired Dr. Trendlenbog. Trendlebog was at the same time the chairman of the Trade Political Committee of the Reich Economic Chamber.
- Q. I now turn to the promotion of exports itself. Who controlle

- A. The Reich Linistry of Economics.
- Q. How did this control and direction become apparent in economy and according to what aspects was it undertaken?
- A. Just a few cuess here. Orders to the export firms to give preferred treatment in deliveries to certain countries and to carry out
  certain business transactions with a priority. The preferred countries
  were chosen according to those aspects as to what countries furnished
  important food stuffs and raw materials and above all what countries bring
  in unfrozen foreign exclunge.
- Q. Were these countries mentioned directly by the Reich Ministry of Economics?
- A. Yes, these countries were named in lists propounded by the Reich Ministry of Aconomics, and those countries that brought in free foreign exchange were listed at the top. They were the United States, Canada, the Argeritines, and a whole number of other countries.
- Q. Did it also happen that the Reich Ministry of Economics suggests individual business transactions that were interesting for bringing in foreign exchange or for foreign political purposes? Did they name certain firms to Farben, for instance, with the direct order or the direct request to carry out such transactions?
- A. Yes, very often. The prosecution has sited a whole number of such cases in their documents. I only name one document Exhibit 764, in Book: Number 41.
- Q. Did these frequent requests of the government disturb Far'sen in the subsequent course of their business?
- A. Yes, absolutely. For that reason we tried to explain to the official agencies that we were already doing everything we could and we occasionally made certain reports to the government in that direction and there, of course, we emphasized our achievements in the favorable his as required by the government. This is particularly true in the case of Prosecution's Exhibit 765 Book 41.

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- Q. In order to conclude this chapter I now want to ask you,
  Dr. Ilgner, did all this promotion of exports have anything to do with
  measures for the preparation of a war of aggression.
- A. Doctor Nath, I can't understand at all how one can reach such a conclusion how one can have such an opinion. Even an analysis of the overall German exports will show that the share of raw materials important for armament such as iron and other metals constituted only a small fraction of all of German Exports. The problem was an entirely different one.
  - Q. You said exports. What you actually meant was imports.
  - A. Yes, that is right.
  - Could you please explain that to us ?
- A. The natural counterbalance against radical tendencies to acquire raw materials of certain countries by force the natural counterbalance to acquire such things is a sound German expert which will gain for Germany the necessary forcign exchange which it needs for the imports of the necessary raw materials and especially the food stuffs. Hungry stomachs are always troublesome. Satisfied people don't give any trouble. Therefore I saw the strongest necessity for the maintenance of peace in the sound export of Germany.
- entitle propaganda. I want to discuss with you the so-called "F Circle" the circle of economic leaders. On page 54 of the trial brief it says -hr. President, may I point out that the pages in the trial brief in the
  English and German are identical -- I quote "In 1933 immediately after
  Hitler 's ascension to power, the defendant Ilgner, supported by the
  defendant Gattineau, collected a program from the industrialists to be
  spread abroad, a program of propaganda with the intention of carrying
  it out for the new Germany. A circle of economic experts was gotten
  together for this purpose." Is this assertion correct? That can you say

- A. No, this assertion is incorrect. The initiative emanated from the then State Secretary in the Ministry of Propaganda Funk, who later became the Edmister of Economics. Funk was a journalist. Neither my initiative nor any support of Dr. Gattine u existed. To didn't want to make Mazi tropaganda but we were worried about German exports.
- Q. Do you mean a particular concern about this? What was your cause for this concern or worry?
- A. The boycott of the Jews which was organized immediately after the ascension to power which again influenced a boycott of German products all over the world and particularly in the United States. The worry of leading economists that the Nazis were not properly informed how the foreign countries actually reacted to their measures. That was a reason.
- Q. On the occasion of your explanation for the promoting of export you already named to us the leading circles of economists. Were the representatives of the leading export firms called into the F Circle?
- A. Yes, quite briefly I can state approximately twenty-four firms represented approximately one half of German exports and these few export firms represented particularly at that time essential worries of German export business. Besides Farben they were Siemens represented by Dr. von Winterfeld; the Alkali Syndicate represented by Dr. Diehn; the Central European Economic Diet represented by Max Mahn; and furthermore the foreign banks represented by Otto Christian Fischer, and the insurance system by Dr. Ruperti. There were a few others.
- Q. Dr. Ilgner, I believe that is sufficient. I would like to ask you now to tell me what were the tasks of the circle of economic leaders.
- A. I forgot to mention something just now. I wanted to say that Mr. Diehn was a well known man internationally because of his French alkali interests; perhaps one of the most international economists we had in Germany. Mr. Max Hahn already belonged to the resistance movement since 1933 and was a close friend of Edgar Jung who was shot on 30 June 1934 by the Gestapo. Otto Christian Fischer is a well known name in Germany as an

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Earking Association. None of these people belonged to the Party at the time. These were not concrete tasks that we had. It was the fashion of the 3rd Reich to have advisors whose counsel was not followed. We, however, wanted to point out the effects of the Matienal Socialist measures abroad. We wanted to achieve that the mistakes were done away with at home,—that is to say to have those measures prevented as for as possible at home.

COURT VI CASÉ VI 17 Mar 48-2-1-M-AEH-Mills (Katz)

- Q. Did you yourself try to bring it about that these mistakes were atopped?
- A. I believe that I made that very clear. My trouble is not that I am not clear enough. For instance after my Scandinavian trip I expressed to this F Circle the impressions I gained on that trip. I told them about the protest against the change of the flags the old General Dehmer told me about it. I told them that the many uniforms that people were wearing in General created a militaristic impression.
  - Q. Go a little more slowly, Mr. Ilgner.
- A. I told them that the boycott against the Jews was not understood at all abroad. I told them of the effect that Goering's letter to Goeteborg had. Everybody knows this story who lived in Europe. And last but not least I told that if such people were sent to Scandinavia as Goering was sending up there, that then one should not be surprised that the German export was being damaged. I told them of the negative attitude of the foreign press towards the 3rd Reich quite clearly. I told them what the world was actually thinking and I didn't paint a rosy picture as it was customary in the Third Reich.
  - Q. What was the F Circle's attitude in regard to propaganda?
- A. They rejected it absolutely. We were tried and proven foreign economists who knew well the reaction of the world to propaganda. I knew that propaganda in America means something else than it does in Germany. For that reason we objected against these methods and even against the name that the Propaganda Ministry had given itself.
  - Q. Were your advises complied with?
- A. Almost not at all and that was cuased by the fact that all the Propaganda Ministry was staffed with small people that were jealous of the big shots. They knew everything better, they thought. They contradicted any suggestion that didn't run with their ideas. Any reasonable idea they rejected. Besides that there was a tremendous confusion in all sorts of organizations at the time.
  - Q. What do you mean when you say the confusion of these organizations.

- A. I mean in particular the so-called interstate organizations that all acted on their own initiative. The leader principle was understood that everybody was to be his own little leader. They should have taken care of the fostering of cultural relations and should have left their hands off propaganda. That was our opinion. For that reason I had a large survey chart made in my office to show all those people who were now concerning themselves about these things and I showed that chart to Mr. Funk sometime.
- Q. Would you please explain that survey chart a little more clearly. Whad you did with that?
- A. I drafted that with my colleagues from industry and economy. I showed it to them and we were of the opinion that these old and decent people who were working on cultural matters should be protected against the Party and that the experiences of these old experts who knew foreign countries should be esteemed and that overstaffing and overorganization should be avoided. But in order to achieve that one had to make constructive suggestions in the Third Reich if one wanted to have success at all.
  - . Q. Were discussions held in the Propaganda Ministry?
- A. Yes, these were the so-called F Circle meetings or discussions. In the beginning Mr. Goebbels participated a few times and later Mr. Funk presided. But for us businessmen it was much more important to see that we agreed on certain things, not during these meetings but when we were among ourselves in order to represent the interests of export business uniformily.
- Q. Can you please tell me how frequently these F Circle meetings took place in the Propaganda Ministry under the chairmanship of Goebbels?
- A. I generally have a good memory but this is an old story that is buried and forgotten. But if I remember correctly it happened on two or three occasions with the chairmanship of Goebbels and just as often under Funk's chairmanship. Goebbels wasn't stupid. He looked through the whole stroy right away and he lost interest in us. He was vexed. He called us the clique of capitalists that only criticised.

He called us criticisers and he withdrew from this entire circle very quickly.

- Q. Did the economists among themselves have their work divided up?
- A. Yes, we did that, according to those countries that each individual knew particularly well. Hr. Diehn knew East Asia. He took over that part of the world. Hr. Ruperti treated the overseas business. He had South and Central America and the British Empire. Otto Christian Fischer took care of England and the Low Countries and Belgium and Switzerland. Dr. Gattineau took care of the Scandinavian countries and I concerned myself with the United States and France because I had travelled much in the United States until 1932.
  - Q. Did you ever speak to Goobbels confidentially?
- A. Yes, I remember concretely one discussion that I had at the request of all leaders of the businessmen. That is the F Circle.
- Q. You said one concrete example. Can you explain to me what that means?
- A. I already said that yesterday. That was in connection with the Jewish question. I had one particular tangible point I wanted to discuss with him and that was the paragraph about Aryans of the German-American Association Carl Schulz. I asserted my point of view that this paragraph was not incorporated into the by-laws. I had one further point. There may have been a few more I don't know any more but the important point was that on behalf of all business people I complained to Goebbels that the little people, the so-called referents, counteracted our measures all the time. That was an unpleasant task but in my life it happened frequently that I was asked to take over an unpleasant duty.
- Q. Can you remember any other problems that you raised in the F Circle?
- A. Not towards Goebbels alone in the F Circle, but two more points that I was concerned about particularly. The League of Nations and the Rotary Club.
  - Q. What point of view did you hold?

A. I had many friends in France at the time -- I always had -- and I knew the opinion of the French. I said quite clearly that it was a great mistake to resign from the League of Nations -- that we should maintain that platform, but when we resigned, nevertheless, I was very distressed about it. I considered that absolutely wrong. In regard to the Rotary Club, I became a member of the Rotary Club after 1933, after it was no longer considered the thing to do, and I joined on the request of Rotary. Rotary, just as the Free Masons, was not well esteemed in the Third Reich. I intervened very actively not to have the Rotary Club dissolved and I tried to convince Goebbels. I participated on a trip with Austrian and German Rotarians to Norway. But just as everything else in the Third Reich, one was talking against a blank wall and in two years it was dissolved nevertheless.

- Q Taking the whole thing together, was the F Circle active?
- A Unfortunately not. It became less and less active so that after one year, in 1934, it stopped altogether.
  - Q What was the cause for this dissolution?
- A On the 30th of June 1934 many of us were strongly suspected. Max Mahn I have already mentioned because his friend, Edgar Jung had been shot by the Gestapo. He belonged to Edgar Jung's intimate circle of friends. Gattineau was nearly shot by the Gestapo. I myself heard from friends in the circle of Bruening's friends that I was on the list along with the General Schleicher who was shot by the Nazis. Ruperti and Winterfeld, too, had difficulties later and were thrown out.
  - Q Did the F Circle ever become reactivated?
  - A No, never.
- Q I now turn to something else. That is the subject, Ivy Lee.

  Trial Brief on page 55, your attitude towards the foreign countries—

  Trial Brief on page 84. First, who was Ivy Lee?
  - A He was one of the leading publicity agents of the United States.
  - Q Were there such institutions in Germany, too?
  - A No.
  - Q When did you make Mr. Ivy Lee's acquaintance?
- A In 1929 in connection with the incorporation of the American I. G. Chemical Corporation.
- Q Can you describe to me the circumstances under which you made his acquaintance.
- A Yes. At that time the former alien property custodian from the World War I, Frank Gardener, at the occasion of the foundation of the American Chemical Corporation, made a strong attack against Farben and American I.G. This article was entitled, "Cui Bonum" For whom is it good? At that time I talked to a colleague in the Board of Directors of the American I.G. as to what we were to do against it. We were very unpleasantly attacked, partcularly Farben, and I talked to General Hermann Matz. That gentlemen told me: "Talk to the city company," where I talked

To Robert Byrnes and Robert Byrnes said: "You have to go to the boss."

I w not to see Charlie Mitchell, the president of the National City Bank, also on the board of the American I.C., and he said to me: "Don't worry about it. Don't get excited"; but he said; "You can talk to Walter Teagel, the president of the Standard Oil, and other industrialists. He can tell you," he said, "whether this had to be taken seriously and, if so, what I should do against it.

Q Was any agreement concluded?

A Yes. I went to see Teagel and he said: "You are not well known. You Farben people, nobody knows what you are doing; you have got to make some publicity first." He explained to me what Standard Oil was doing and he said: "Our publicity agent is Mr. Tvy Lee. I am going to have you introduced to him." He had me introduced. I went to see him.

Mr. Lee was a perfect gentlemen and he thought about it a long time.

He considered what was to be done. Then he first looked at the books,

the pamphlets on Farben, and on the next day he told me: "Very well; I

am ready to make a retainer agreement with American I.G."

I reported about that officially in the board meeting and the board meeting made a resolution that a retainer agreement was to be concluded with Ivy Lee.

Q I want to interpose one question. Who was on the board of the American I.G.?

A I already mentioned Charlie Mitchell, the president of the City
Bank. I also mentioned Walter Teagel, the president of the Standard Oil
of New Bersey. I mentioned Hermann Metz of General Anilinex Edsel Ford of
the Ford Motor Company, with whom we also had friendly relations in Germany, was on the board. Paul Warburg of the International Acceptance Bank
was on the board whom I certainly can call a fatherly friend of mine. Dr.
Weiss of Sterling Products and a few others were on the board.

Q Did you belong to the board also?

A Yes, I was a member of the baord of American I.G. from 1929 until 1933 and at the same time I was a member of the executive committee and a vice president; that is to say, that in 1933 I resigned from the board at all these functions at the very moment I resigned from an American enterprise where, in the Prosecution's view point, I was just beginning to make Mazi propaganda in the United States.

Q I now return to Mr. Ivy Lee. What did that gentlemen do actually?

A I already told you that he informed himself according to the books and pamphlets and he did what a publicity agent does in America. He informed the press. He issued statements to the press about what I.G. was, what the American I.G. was, and he expressed his opinion on the article, "Cui Bono."

Q Did Mr. Ivy Lee have any relations with Farben in Germany?

A Of course. For instance, Mr. Schmitz was also simultaneously a member of the board of directors of the American I.G. So was I. My other colleagues hardly knew Ivy Lee. At any rate, they had nothing to do with him.

Q Did Farben gain any advantages from the consulations with Mr.
Ivy Lee?

A Tes, by necessity a tangible example, a small example; the silver pamphlet on Farben that was distributed here in English and German, a simple idea but it comes from Ivy Lee. I personally learned very much from him: above all, never to do propaganda but only to do fair publicity. That is what I learned from him.

Q Do you remember how high the retainer was which the American I.G. pa id to Hr. Ivy Lee?

A Yes, yes exactly. It was ten thousand dollars.

Q Dr. Ilgner, the Prosecution introduced a document — that is Exhibit 777 in Book XLIV on page 21 of the English and of the German; this is Mr. Ivy Lee's testimony before the United States Committee for Un-American Activities. In that testimony Mr. Ivy Lee said that he received three thousand dollars. Can you explain the discrepancy?

A Yes. In 1934 when he gave his testimony, it was only three thousand dollars but when the agreement was concluded, it was ten thousand

dollars. The then first vice-president, Wilfred Greif, was a very economical person and he reduced the retainer because Ivy Lee didn't have much to do.

Q Did you see Mr. Ivy Lee frequently until 1933?

A Yes, on every trip that I ma de to the United States - in 1929, 1931, 1932 - and privately we became friends.

Q Did Mr. Tvy Lee at that time have any other relations with Germany, apart from Farben?

A As far as I know, no business relations at that time but many personal relations. I know, for instance, the former Reich Chancellor, Kuno, the former director general of the HAPAG, Dr. Hjalmar Schacht, then Ministerial Director, Dickoff, who was a counsellor of legation in Washington before 1929, and a few others.

Q Was Mr. Ivy Lee also introduced in other European countries?

A Yes. Ivy Lee particularly interested in Russia and, later, business interests in Belgium. He concluded a large agreement with the Solve enterprises, also a friendly concern of Farben. His interest in Russia was of a general and platonic nature and at a later time, at the Congressional Committee for Un-American Activities, it brought about serious misunderstandings which were, however, at a later time clarified. That can be seen from the testimony, by the way; one has to read the whole things.

Q What caused Farben's agreement to be concluded with Mr. Ivy Lee in the spring of 1933?

A I already told a little while ago that what we export people were mostly alarmed about at the time were the effects of the boycott against the Jews in the world, particularly in the United States, the so-called boycott of industry. There was a strong campaign in the press of the United States against Germa ny, against German industry, against Farben, and against German exports. From this worry I probably talked it over with my friends but I personally considered it proper and correct to send three cables to the United States: one to Ivy Lee, another one to Senator Royal

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S. Copeland who was a friend of mine, and a third cable to General Hermann A Metz. The text of these cables was approximately: What is going on? What shall we do?"

- . Thy did you cable to Senator Copoland and General ---tz in that connection?
- was meent to be so. In the previous autumn I had been in the United States and I believe I spent a weekend with Senator Copeland and General Letz.

  'e talked at that time by accident about the atrocity propagands that was made in the first world war in certain American newspapers and Senator Copeland said then in his very calm and definite manner: "That will never happen a ain"; but now it had happened again and that is why I cabled him.
  - Q. Mon did these gentlemen react?
- and I understood his caution. General Netz sent a cable: "Come myself and see you clone?". Ivy Lee cabled: "I shall be ready to come." He wanted to make I trip to Italy anyway and he actually did come.
- In the Prosecution document, Exhibit 776, in Book MIV, on page 18 of the English and German, which is in affidavit of Dr. J.cobi, Dr. Jacobi makes statements about General Netz's visit, opposed to that of Mr. Lee's visit. Is there not a contradiction in your testimony: Can you explain that to me?
- A. It is correct. Jacobi considered Mr. Metz's visit as haddble and Mr. Ivy Lee's visit not laudible, but Ir. Jacobi didn't know and he didn't know when he made the affidavit that I had invited, so to speak, both of them to come here; that westhe same thing, but J cobi is quite correct. We did take this boycott very seriously.
  - ". "het was Jacobi's position t that time?
- a. Until the middle of 1935, Jacobi was the business and er of the nitrogen syndicate. He emigrated because he was a Jew with the assistance of the firm and particularly with the assistance of his friends, Oster, Buetefisch, my colleagues "rueger, von Frank-Fahle, and I also helped him similarly. I myself in 1935, in the presence of Dr. Frank-Fahle, introduced Jacobi to our English banking associates in London, angle Danks, the Schroeder Company, the angle Foreign Securities. I introduced him as a man

enjoying of confidence and as my friend. I vanted to improve at that time his financial position and give him a backing of his morale for the building up of a new existence which he, Thank God, was able to do.

- . Dr. Higner, let's come back to General Hetz's trip. Did he actually crrive and what happened?
- had said. They arrived almost simultaneously. He said: "Stop that non-sense. Stop the boycott." That was easier said than done, because we didn't have any power.
- Q. .. little while ago we spoke about the F Circle. Then you sent these three cables, were you already a member of the F Circle and did this F Circle have anything to do directly or indirectly with this cable?
  - a. Not the least.
  - . Did you know Goebbels already at that time?
  - A. No, I made his acquaintance several months thereafter.
- . Did you, after the agreement with ir. Ivy Leee h.a been concluded, inform Goebbels about enything later?
  - a. Mo, not at all.
- . Let's return to ir. Lee's trip in the spring of 1933 undertaken to Germany. Please explain to me the general outline of the events very shortly.
- travels to Rome, makes a visit to Jussolini. He goes to France, to Belgium where he concluded his new contract with the Solve enterprise. He came to Ber in and visited many business people there, he also desired to see Hitler -- what he looked like. Or. Traeger, the vice-president of the Carl Schurz association, arranged that. On his visit to Hitler, Ivy Lee was accompanied by his son, Jimmy; and, if I remember correctly, a assistant Guenther Schiller, at the time. I myself did not go there.
  - Q. Did you learn anything of ir. Lee's conversation with Pitler?
  - a. I believe it was Quenther Schiller who told me about it afterwards

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because immediately after this visit Loe flew away by Plane. Mitter swore is the Jews terribly and Lee couldn't say anything at all. He had no post billity to open his mouth even. That was at the end of his visit in Germany at that time.

- The Dr. Higher, was there any agreement concluded with in Locathon in 1933 he tas in Herlin and, if so, how was this agreement concluded? That brought it about?
- Lee. I believe Caheimret Schmitz who has been in the United States for all t is time arrived on the same steamship with Ivy Lee in Europe. He was a "oney informed about the German policy. Then Lee had sufficiently informed has a very clear suggestion. He said: "Try to preven any propaganda in the United States, but see to it that the American policies better and more completely informed from Germany by way of fair publicity." That was the suggestion he made.
  - (. Did you accept his suggestions?
- .. Of course; they were fair and sound. I reported to Geheimret Schmitz and Geheimret Schmitz talked to Geheimret Bosch. Geheimret Bosch agreed. He liked to do these things himself. He didn't want to ask many firms first. He might have consulted Siemens and a.E.G., too, but he decided he als going to do that himself, for Ferben's interests in a decided he als going to do that himself, for Ferben's interests in a decided he also going to do that himself, for Ferben's interests in a decided he also going to do that himself, for Ferben's interests in a decided he also going to do that himself, for Ferben's interests in a decided he also going to do that himself, for Ferben's interests in a decided he capacity in the United States were more than justified because of our large exports.
  - Q. How high was ir. Loe's retainer?
- he saws in the testimony. I didn't have anything to do with the payment itself and for that reason it had escaped my memory.
- the meantime, at the suggestion of President Schacht, I had become the chairmen of the Carl Schurz association. For that reason I took upon

myself the practical application of fr. Lee's suggestions and I applied them and make them to my personal associate in the Carl Schurz association whom I had brought along from Farben. This was are delicas — and Jimmy Lee a so took care of things. We shall speak about this later.

- . You said, ir. I e had taken his son along. Had that been agreed upon this him particularly, that his son was to take over certain limits functions?
- A. No, I didn't know James Lee; at the time Lee Senior wanted to make hit his successor in his firm. He was to get acquainted with Germany a with the German language. He was to get acquainted with the Solve contract. He was to make new business contacts and, generally, to look abound.
- 1. Ir. Ilgner, did James Lee take up business contacts, and if so, what contacts did he take up?
- rel tion that he took up. That was the "Reichsbahn Central ... ency for Tra Nic Iron gands."
- . That did this Reichsbahn, this reilroad agency for traffic pro-
- .. They printed a large number of pamphlets about Genwar, particular's describing the railroad travel in Germany, advertising trips in Germa , to the German public and to foreign countries.
  - . Is that a sort of propaganda organization?
- . In the German sense of the word, "propaganda," yes, it was; in the American sense of "propaganda," it was a mixture of publicity and advertising. I believe that that organization was under the general supervision of the propaganda ministry for this advertising activity.
- resecution's exhibit 777 that I already mentioned, which is .r. Ivy Lee's testimony, there are some statements about a large number of pamphlets. He e they made by the heichsbahn agency for Traffic Propaganda? Here they

brought to America by James Lee?

- A. That is not possible any other way because we didn't give him any and that can also be seen from Ivy Lee's testimony quite clearly.
- Q. To make ti sure, did James Lee's relation to the Reichsbahn Agency for Traffic Propaganda have anything to do with Farben or the Carl Schurz Association?
- A. I didn't have anything to do with Farben, nor with the Carl Schurz Association; no, it didn't have the least to do with either one of the two. It was a private affair of James Lee.

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Q.- 'afore turning away from this chapter, Dr. Ilgner, perhaps you can suppl tent quite briefly this question. Did James Lee, when the Farben agree and was concluded about the Carl Schurz Association — did he get any other function?

A.- Dr. Nath, I was the Honorary Chairman of this Carl Schurz Association. That was my main job. For that reason I am not informed about these things in detail.

From the testimony, however, the Prosecution document that I have now read through, it can be seen that he sent to his father, material that was published in German pamphlets and so on, for his father's personal information. Lee, Sr., told me about Jimmi, that "he might be helpful."

Jimmie Ise maintained contact with Mr. de Haas. I met him occasionally at some social function. My wife and I acted as chaperones for him.

I increduced him to the Automobile Club of Germany, of which association I was the Vice Chairman. James Lee was an enthusiastic motorist. He was the only American who participated in our industrial inspection trips in 1733.

Q.- Lut's turn away from this subject and answer this question. How twre the suggestion of Loc, Sr., executed?

A.- He made two suggestions, really. The first was what I am going to call, by technical terminology, "Special Subjects", and the second was, "Better Information of the American Newspaper Men in Berlin". I shall deal with the first subject quoted, the "Special Subjects". Lee said at that time, "One is interested in a number of things in the United States," and he mentioned a number of subjects. I do not know how many at this time, but he mentioned ll or more. I know a few that seemed very reasonable to me. Firstly, "Is Germany going to pay its debts? One wants to know that in the States. Secondly, is Germany going to become an Autarchy? Thirdly, what is Germany going to do with its agriculture?" These subjects were treated by persons with whom I had personal relations, people of world

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renown, that were generally recognized, such as Schacht, Wagemann, Brueming's Minister of Economics, Professor Warmbold, Professor Warmbold was a former colleague of the Verstand of Farbon.

Q .- Where did this article appear?

A.- Mr. Lee said, "These articles are going to be published in the best German Economic papers, something like the Economist", in our opinion one of the best newspapers. They were newspapers and weekly reports of the Institute for Boom Research "Konjunktur Forschung" which were issued by Professor Wagemann. Both of them were well respected in the United States and in the rest of the World. Wagemann, and his Institute, and his weekly reports were well respected.

Q.- Dr. Ilgner, you said that these articles appeared in Germany. How were they brought to the states?

A.— It was important, and that was the very thing that Lee pointed out to us, that these things should be articles that could be brought to the outside, and could appear under the regulations of the Third Reich just as any other publication in Germany, so that everybody knew that these had been articles that had been regularly published in the German newspapers, and they were sent through normal channels, as is generally customary in the world, to American friends, and also to other countries, to business associates. The Institute for Boom Research sent them, with its complete sender address, to economic business institutes statistical departments, etc., just as I did, to American banks and business friends, or I sent lectures that I had given about economic problems, with my compliments, just as I sent my Christmas greetings.

The Carl Schurz Association then sent these, on the basis of a file index that Mr. Lee made available a year or 6 months later, to Carl Schurz Association, by his son, also with its full return address, to people that had visited us or of whom we assumed they were interested. I do not know details. I never know them. I never saw this file index. These were minor

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executive affairs.

Q.- Do I understand you correctly that you want to say that the American business people and other addresses received copies of the weekly
reports, just as one had formerly received copies from the newspapers from
abroad, by people who assumed that these addresses were interested in them?

A.- In the same way only with one difference, - that these people were almost all business friends, people that we already know.

Q.- You talked about Professor Wagemann. What was Professor Wagemann!s position, - who published these weekly reports in Germany?

A.- Professor Wagemann is one of our most leading economists in Germany. Up until 1933 he was the Chairman of the Statistical Reich Office, and at the same time, he was the president of the Institute for market or Boom Research.

In 1933, after the Nazis had gained power, at the demand of the Party he had to resign his position as President of the Statistical Reich Office, and he remained only the Chairman of the Institute for Market Research.

He was the brother-in-law of the Minister of Economics of Bruening's government, Professor Marmbold.

Q.- Was that the only way in which these weekly reports of the Institute for Market Research could get to the United States?

A.- No. The American Journalists in Berlin were also given so-called "advance" copies.

Q.- Dr. Ilgner, a little while ago you spoke about two suggestions , that Mr. Lee made. The first one we have discussed, the "Special Subjects", The second one, was "Better Information of the United States Journalists in Berlin". How was that done?

A.- You are right. That had something to do with what I just said.

Mr. Lee recommended that we should held a Press Conference and Conference with the Carl Schurz Association, once a month and invited the leading American journalists to attend, and there you could introduce to them one

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prominent person with whom they could talk.

- Q.- puldn't the American journalists receive better information from the offic al agencies?
- A.- To. The American Journalists complained to Mr. Lee that in the Third Reich there were nice lunches for the press, but there was bad information.
- C .- Did Mr. Lee discuss with you his relations to Farbon; also did he dis uss them with other American people, or did he keep that agreement secret
- A. On no way whothsoever, he talked about it to the journalists. I myself are him a luncheon in the Casino of my enterprise, and invited him together with the American journalists, Blochner, Oschsner, A.P.U.P., enything that had a name. They all knew it. He went to Ambassador Dodd, to the U.S. Embassy, and he told him about our conversations, about our relation: He was well informed.
- Q.- lease describe the Press Conferences in the evening, at the Carl Schurz Association?
- A.- Contrary to the official agencies, there was no good lunch. We only gave beer and sandwiches, but we gave them good information. Our first prominent person was hir. Schacht. At that time Government officials, could not give any interviews. They were not permitted to do that. For that reason, our Press Conferences, that were of an informal nature, were well respected and much esteemed.
- C Mr. Schacht was not a Nazi, but did you also introduce Nazis to these ress people?
- A.- Yes, the journalists requested it. They actually picked out these people. They had their own request list, and if we could get these people, then we introduced them.
- Q.- Would you please describe to me how often these press conferences were held and for what length of time they were held?

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A.- They took place more or less every four weeks. I could not take care of it any more myself, and I asked my colleague in the Press Agency of Farben, "ario Passarge, and the business manager, de Hass, to see to it that this was continued in a decent manner, but when the press regulations in the Third Reich became more severe, we also had our hands tied, and they became less frequent until they finally stopped altogether. In the beginning, as I said, these press conferences were very popular with the American journalists.

Q.- Dr. Ilgner you said a little while ago that you did not inform Goebbels about the agreement with Farben, nor that you ever digcussed it with him. Did you say that? Did I understand you correctly?

A.- Yes, absolutely. The Propaganda Ministry was not concerned with this entire affair at all.

- Q. an you explain to me please, why Mr. Ivy Lee, in his testimony to the Jongressional Committee said that you had introduced him to Papen, Khmidt, Neurath and to Goebbels?
- A. I can only remember Papen and Schmidt. Papen I knew from the Club. and Schmidt I did not know. I wanted to make the acquaintance of the new Minister of Economics. But I must rectify my testimony during interrogations as follows: In my memory I confused the two visits of the Spring of 133 and January of 1934. Now I can become quite clear about it.

Combbols I did not know when I visited him first. I do not know

Neurath even to day. After reading the testimony, I know that in

Januar. of '34, I accompanied him to him. von-Papen, and accompanied

him to Schmidt, Economic Minister. At that time the "F-Kreis" was still

in existence, and I only announced him to Dr. Goobbels.

- Q. What did Mr. Lee say in 1933 about your membership in the "F" Circle?
- A. He considered it absolutely proper to do everything that I could to advise people to become reasonable and decent. For the rest, Hr. Lee knew that I did not mince my words.
  - Q. Did Mr. Lee give you any other pieces of advice?
- A. No, that was the essential. His statement was as follows: "See to it that you can prevent those Mazis from making propaganda in the United States. You must do two things. You must make fair publicity, and you must come and see for yourself". He said, "Then you must tell the Imericans to come over here and see for themselves."
- . Did Farben or the Cultural Association Karl Schurz directly or indirectly ever send any material to Mr. Lee to be distributed in the United States for propaganda or other purposes?
  - A. Nover.
- Q. Do you know what the result of Mr. Lee's hearing was? Mas Mr. Lee punished, was his firm dissolved, or any other steps taken against him.

A. Nothing like that was done. The firm continued to work, for it had been shown quite clearly that the agreement of Mr. Ivy Lee with I.G. Farbon industrie had not been on Unamerican Activity in any was whatsoever.

After the first interrogations had taken place in Washington, Mr. Loe arrived with his wife in 193h, in a very ill condition and went to Demler Sanitorium in Baden Baden. He wanted to see me and I went to visit him. He told me the connections. The facts were the following. A notorious propaganda agent for the Nezis in the United States, George Sylvester Viercek, for reasons of competition, denounced him as an alleged friend of the Bolshevists, in the press of the United States, after he had previously made an unsuccessful attempt at extertion from him.

The only concrete and sad result of this Nazi denunciation was that this well-respected person beca e so excited about this entire affair that he suffered serious detrimental effects to his health, from which he died a few months afterwards.

- Q. For what period of time was Farben's contract with Mr. Loc in effect?
- A. To the best of my recollection, it expired with Mr. Lee's death, in the autumn of 1934. Since I was on my East Asia trip during that time, which lasted almost one year, I did not hear anything about this entire affair. I remember, however, that James Lee, after my return from East Asia, brought me together with some alderly American, I do not know his name any more, I think he was Mr. Ivy Lee's successor, these people came to my office. I think it was just a courtesy visit.
- Q. I now leave this subject. I turn to the Carl Schurz Association mentioned on page 54 of the Trial Brief. What was the Carl Schurz Association? When was it founded?
- A. The Carl Schutz Association was an organization of Good Will, especially on a cultural basis, in order to promote friendship between the American people and the German people, in the words of Karl Schurz.

The foundation took place in 1927, by southern German democratic circles.

- . Please tell us in one sentence, who Carl Schurz was?
- A. He was the most significant German American who fled to the Unite States as a democrat in 1848. He became a General in the Civil Mar; to was a friend of Ab Lincoln, and he was famous for his laws for the protection of the megroes after the abolition of slavery in the United States.
- Q. When did you have your first contact with the promotion of the Gorman-merican understanding?
- A. In 1929-or 31, when, at the occasion of the foundation of the Carl Schurz Hemorial Foundation in Philadelphia, I became its member.
- Q. Did this Carl Schurz Homorial Poundation have anything to do with the Carl Schurz Association in Gormany?
- A. No, they were independent of each other. They had a similar name, and general, friendly relations with each other.
- 1. How did it come about that you took over the Chairmanship of the Carl Schurz Association here in Germany?
- Dr. I racgor, turned to President Schocht, who had then frequently traveled in the United States, and was very well known there and asked him to become the President of the Carl Schurz Association. Schocht told lin, "I have too much to do; take a younger man for that, take Ilgaer", and he said, "He also knows America well, and Parbon has large interests in the United States". At a regular assombly of all of the members, the old members of the Carl Schurz Association, that is, those leabers who had been in that Association before '33, I was elected unanimously. My predecessor was Robert Bosch, not Karl Bosch, our Gehermat, but his uncle, Robert Bosch, from Stuttgart, who in 1932, at the occasion of his 70th kirthday, had resigned from all of his hemorary offices. He had vecated this position and Draegor had directed the Carl Schurz Association in the meantime.
- or lirectly with that?
  - A. Not the least. When I'was approached with this question, there

was not any circle of economic leaders as yet, and I had no contact whatsoever, as yet, with the Hinistry of Propaganda.

- 1. Did the Propaganda Ministry at a later time take any influential action to the activities of the Carl Schurz Association?
- At no time. I must again correct something here. During the interrogations of 1945, that we shall deal with at a later time, I was maked a great deal of leading questions. Since I did not actually have may idea about these details, I said something like this: The Propaganda Ministry tried to exert an influence in an ever-increasing measur. That is a wrong statement. We were actually independent, but we were hampered on many sides.
- Q. Did your prodecessor, Mr. Robert Bosch, interest himself at a late tile for the Carl Schurz Association?
- A. Oh yes, he accepted an honorary membership that I offered him with 3 other gentlemen. The other people were Eugo Eckener, Hjalmar Schaelt and Wilhelm Furtweengler. I picked those out myself.
  - Q. Why did you select these people?
- A. Each of those people was a man of first, high-ranking standing, well-respected in the world, and particularly in the United States.

  Borldes that, they were independent people. None was a Nazi. At a later time they were even strong Anti-Nazis. Robert Bosch was one of the leading southern German democrats, and all of them remained honorary members until the end of 1945; Mr. Bosch, until his death, of course.
  - . Who was in the Vorstand of the Carl Schurz Association?
- were first of all interested in gold relations with the United States, and therefore predominantly this Verstend was made up by economists.

  All of these people whom I brought in myself, were always the same people, Diehn of the Alkali Syndicate, Otto Christian Fischer from the Reich Credit Association, von Winterfeld-Siemens, Meibehm, Hapag, and Hal Koethe, from the Northern German Lloyd.

At a later time, in 1937-30, at the request of the official agency 9404

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of the C vermment, in the se-called working discussions that were presided over welly by Mr. Draeger, one representative of the foreign office had to be ealled in, one from the Cultural Department, and one from the Propaganci Ministry. At the end, as I heard, even one representative had to be called in from the Association of International Associations.

THE : MESIDENT: It is time for recess.

(Tribunal in recess until 1045 hours)

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THE MARSHAL: The Tribunal is again in session, BY DR. N TH (Counsel for defendant Ilgner).

- A few more questions with respect to the Carl Schurz Associatio
  What was the main activity of the Carl Schurz Association?
- A. It was the continuation of the old cultural-political work, the tenderay of which was exactly the same after 1933 as before 1933. There were leture evenings, club evenings, and a close contact was kept by the exchange of students and lecturers with the German student exchange association and the association of former work students in the U.S. In addition there were the press been evenings. There was a close contact with the American Chember of Commerce in Berlin. In addition there was an extension correspondence with De Haas, the business manager, and with the other mobers of the Carl Schurz Association of the United States. These we mostly greats or professors of the association or people who were exchanged including American students.
- ?. Would you ploase briefly describe to me what Mr. De Haas was like?
- A. In 1933 De Heas joined Farben. For many years he lived in the Unit d States, Argentine, and Austrialia. He at first entered the office of the chairman of the Carl Schurz Association and then he became the principal business manager of the organization. I wanted to have my own man in the association, upon whom I could safely rely.

In 1940 Mr. Do Haas took over functions in my own office, NH-7.

If one wants to know who Mr. Do Haas is, one only needs to ask many of the Americ a professors and students who during the proceeding years were guests of the Carl Schurz Association and who venerated him.

- Q. Dr. Ilgner, during those lectures at these club evenings, was any Naci propoganda expounded in any form whatsoever?
- A. For many reasons that was entirely unthinkable, quite apart
  from our own attitude in that respect. The following reasons were decisive
  At first, international politeness forbade us to carry on any such propoganda.

9406

17 March - H-LU-8-2-Schwab (Ramler) Court VI - Case VI Secondly, our American friends would not have visited us had we done such a thing. As a matter of fact, the number of visiting imericans increased from year to year. Thirdly, the American ambassador, Dodd, would have ceased to be our friend . Q. Was the American ambassador, Dodd, friendly disposed toward the Carl Schurz Association? A. One may well say that. He was repeatedly a guest of the issociation, in the same way as the gentlemen from the american Embassy. Hr. Dodd and his wife were frequent guests in my home, and in the same way my wife and I were frequent guests at the Embassy, and we met also Mr. and Mrs. Dodd privately in a small circle. Could you toll me about something of the larger meetings of the Carl Schurz Association? ... I shall give you cues morely. In 1934 there was a so-called Carl Schurz Tour to which we invited the presidents of American universities one professor and one representative from among the students of each university. This was a tour through Germany which ended at the birthplace of Carl Schurz, and also visited German universities. Also, every year there was a tour of American students studying at Germany. This was somewhat more modest, but the sense of it was the same. Furthermore, in the olympic games of 1936 the Carl Schurz Association had been asked by the olympic committee to take over the care for the American delegation there. That was a vury stronuous task as the American delegation was the largest delegation of all nations. At the IHK Congress in 1937 --Q. Dr. Ilgnor, what the IHK? That was the International Chamber of Commerce. A. Thank you. Q. At this congress the German-American Economi Association, the president of which was -r. Diehn, and the Carl Schurz Association, arranged a reception together in honor of the American delegation of the 9407

Int. rational Chambur of Communes, especially for the newly elected prosf ent, who was an American, Mr. Watson.

Furthermore, in 1938 we arranged a very festive reception in honor fex-predicted Hoover in the Carl Schurz Association. That was alread mentioned,

Of the Carl Schurz Tour in 1934 an Agfa film was produced that is a Farb a product, and each one of the persons attending that show received a copy to keep as a souvenier. This film was shown by the American professors and students when they returned to their own universities. And I heat now that since 1946 or 1947 the very same film is being again shown in the United States of America. Then it could harly be called a last film, could it?

- Q. Mr. Ilgner, one concluding question. Did the Carl Schurz
  Astociation at any time send propoganda material to the United States?
- Association that was entirely out of the question. I know that we, for instance, on the occasion of every Christmas, sent little gifts to the Unit . State > to the members with whom had correspondence.

I remember one specific instance, ir. De Haas had selected a calindar with ancient engravings of Berlin and we considered seriously whether that might appear to be propoganda. However, we didn't think that was the case and we actually send this calendar out. Had we not do so, had we acted differently our standing would not have been what it actually was.

Q. I think with that we may well conclude that chapter. I shall now turn to a new subject: Auslands Organization (Foreign Organization) trial brief pages 56 and 93. I should like to put a number of questions to you in that regard.

In Prosecution Document, Exhibit 363, Book 14, English page 9, G. rman page 11, which is mentioned in the trial brief on page 56, menti: 17 March - M-LU-8-4-Schwab (Ramler) Court " I - Case VI

is mode of Farban is relationship with the Foreign Organization. Would you tol . me semething about that?

A cose are the commercial committee minutes of the 10th of September 1977. It has been discussed here at such length and I don't have to elaborate on it. It's the well-known mindow-drossing. But quite anerally let be say this: 'the matter is quite clear. Two worlds were confronting each other: the National Socialist ideology as opposed to German export interests. The foreign organization was a Part organization and they had their instructions and their own duties to faulfill. Farbon, on the other hand, had economic interests. They I id the task to export. We were a business enterprise, and as a result there were divergent interests.

And where did these controversies show themselves?

. Well, I shall give you a few points. We camouflaged for reasons of ax savings. The foreign organization, on the other hand, wanted to rry on decamouflage activities so that we could show the swastika fla. We wanted to keep our Jews because they were skilled people who lnow their work. The foreign organization, on the other hand, had instructions to see that they be eliminated. The foreign organization went is to attend party meetings. We, however, neither had the desi: nor the time to attend them. They wanted us to pay contributions to foreign organizations. We were not really keen on doing that. The foreign organizations had instructions to see that the pro-German press and the German press abroad be supported. Our customers, on the other hand, read the Jewish press and the anti-German press. I am referring to Bayer-Argentinia, all the chemists and all the pharmaceutical people who read the anti- German and Jewish press. We h d to advertise in those if we wanted to sell. Our people out there had been successful. They were the rich people. The little people the had gone there recently and had not yet got a job and joined the Pr ty were mostly the have-nots - not all of them, but many. Our led ling representatives were people of good repute, they were rep sentatives of Germanism of the old coinage. These were deep con roversies. 9410

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Q Dr. Ilgner, what were your personal experiences?

A They varied. The most difficult problem in the foreign organization we; to deal with the little people, and we had the most trouble with them; for instance, my clash with the Ortsgruppenleiter in Paris in 1933. By accident, I heard that he asked people from the Paris police to write down numbers of the motor cars of immigrants. I said it hermed the German prestige and I opposed that. A row resulted, He deno need me with the AO, the foreign organization. I went to Bohle, but the adjusted that matter, being a German living in South Africa and he ving more sense, and he displayed more understanding with respect to such matters.

Q I ring your trips abroad, did you have contact with the AO, the forcis organization?

A ! , but that actually was expected. In fact, up to my trip to East hair inclusively I had no, or at least only sporatic, contact with them. Later, I only contacted them during my large trans-Atlantic trips or whenever there was a special occasion to do so. The reason for my more emphasized contact on the occasion of my trip to South America is due to the fact that when going to East Asia I didn't consorn myself about them at all, and these people were rather opposed to me as a result. That wasn't really favorable for our business. At any rate, very seen thereafter the NS foreign organization heads of the rarious countries were incorporated into the embassies. They received the rank of Embassy Counselor and they were immediately ranking below the Ambassador, and very often they were even the person of first rank in that country from the internal political point of view. The A bassadors often actually asked us to visit the National Socialist Lando: rup; enleiter. They said, "If you don't visit him, I will get into brouble for not asking you to do so." Naturally, one had to see them.

Q You were speaking of tensions between Farben and the National Socialist foreign organization. What was the consequence of such tension?

someti as it was better; sometimes it was worse. That was even direct i against myself, although I wasn't even a member of the Party at the time. That, as I said, was not in the business interests of Farbon.

Q Did you take any stops in order to improve this unpleasant atmosphere?

\* Especially on the occasion of my trip to South America, my associates pointed on to me that I should really inform the foreign organization before my trip in order to be able to maintain contact with their age cles in South America.

Q And 'now was that done?

A I delegated my associate, Mr. Schwarte, who was the head of the communerated committee office at the time and who told me about these tensions, to find out at the AO what the differences were in the countries I was to visit, That is how the AO found out about my trip, and as I found out later, they informed the Ortsgruppen - the area agencies - which could control whether I actually did arrive or not.

Q You already said that it was recommended to you on the occasion of your trips abroad to visit these National Socialist officials. What were the discussions about that you held with these Landesgruppenleiters and Ortsgruppenleiters?

A st first I met the Farben representatives and asked them what the differences were and how they could be climinated without harming the reputation and the business of Farben. Then together with my aide a companying me and the Zefi - the confidential agent for that time we didn't have any Farben liaison men yet - I went to these men and di cussed our differences. It was always the same tune: insufficient interest on the part of the Farben employees in Party meetings; contri stions not high enough and they wanted more money. I reported suc demands to my home country because I couldn't decide upon them, and shen I returned I reported to the foreign organizations about the

metters I learned during the trip. I gave them a copy of my general report. I remember one report of the automobile industry, and that was really all.

Q Dr. Ilgner, were the business interests of Farben served by your pres nee whenever you met the representatives of the AO?

A I think that is quite clear. I shall briefly give you a few exam as. When I was in Chile, the Farbon representatives there told mo that the Party was asking them to immediately dismiss one of their J. vis employees. I spoke to that employee in question and told him not to verry. I told him that I would find some sort of solution. I then to ned to the Party and said, "That is out of the question. We cannot to without that man in the interests of export." I couldn't tell the Pa that I thought their Jonish logislation to be crazy. Afterwords, then I was in N. ew York, I succeeded in getting that Jewish employ a transferred to my American friends there, and he stayed on his jo until the whole matter was arranged properly. When I was in Hexico, I made the acquaintance of the Landesgruppenleiter Huerz who was notive there. He, at one time, had also been a business man and he as quite reasonable. I told him what our situation was. The con-equence was that our later Farben liaison man in Mexico, Hans Mir in Fischer, confirmed to me that since my visit the Landestruppenleit r neither concerned himself with our Jawish employees in Mexico nor ith our Jewish customers. They left us alone. We had to make some contributions. We had to give them some cameras, some books, etc.

In razil, the Zefi, the lieison man was Mr. Hemers. He was a Brazi ian of German descent. He was strongly opposed to Nazism. The Ortsg appenditor there was Peter Schagen who was really a nice man. He was at the same time the head of the automobile union there. I managed to borrow a car from him and with that car I went around Brazil and argentina. I was nice to him and he was nice to me. I used him in order to see that Mr. Hamers was not bothered at all. You have to credit the other side with a certain amount of fairness.

- Q Dr. Higner, did you have direct and frequent contact with Gauleiter Bohle?
- A list far as I remember, I did not meet him, apart from that one meeting on the occasion of the denunciation by the Ortsgruppenleiter in Fris, in 1933; I did meet him one more time in 1941 when I intervence on behalf of my Farben liaison man, Millibald Passarge.
- Q The was Millibald Passarge, and what was the reason why you saw Gauleiter Bohle?

- At the outbreak of the war Hillibald Passarge was the Farben lisison on in Paris. He was a Brazilian. Immediately after the outbreak of the ir he want to Brazil. Then he returned and when he wanted to once more establish himself in Paris, the foreign organization opposed that strongly, mainly because he was an anti-Mazi and because he had Jewisr. friends; also because he had received the "Legion D'Honour," and because he had asked to be given Franch citizenship. He was strictly prohibited to be active alread at any future occasion. Although I really hadn had many dealings with him, I immediately took him over into my offic and tried to help 'nim to get abroad once more. The foreign organ ration, as I said, was strongly opposed to it. But I went to Mr. Bohlo. I had a long to It with Mr. Bohlo and I brought about a compromise soluti . I was alle ed to send ir. Willibald Passargo to Hungary. His wi had be born in Hw gary. That is how he got away from the claws of the AO. Inter, at the suggestion of Dr. Ungowitter, the head of the Economic Group I emical Investry, I placed him at the disposal of the eastern chemical group in order to keep him out of any trouble with the Party.
- Q. What departments of your office Berlin, PT/7, had dealings with the foreign organization?
- A. Those were mainly two departments. It first, there was the foreign exchange department which was a sub-department of the central finance administration. Later, during the war, there was the MIPO.
  - Q. That is to say, the economic-political department?
  - A. Yes.
- Q. What functions did these two departments have with respect to the foreign organization?
- A. The foreign exchange department had Farben's assistance with respect to foreign exchange transactions. Since the Reich Ministry of Economics was responsible for these matters and since within the Reich Ministry of Economics the A O had been given the right of veto, it was important to always obtain the approval of the AO in questions of personne As I said, the little people always made trouble and Herr Krueger and him

people had quite a let of work in that respect and it wasn't always very pleasant. The second department was the LTO. That was only formed during the war in 1942. It was to assume a predominant position for Farba so that Farban, in view of the varying heads of the sales combined is said that the heads of the sales combine were very different — the sales combine had absolute severcianty, and it would have been quite possible for the AO, in view of the basic differences in the policy of the various sales combines, to play one sales combine against the other. That is why Mr. Maibel of the Verstand had been entrusted to deal with these matters, since he resided at Frankfurt the O.A. was used as liaison. The entire problem, however, respect in view of the manner of Kommerzienrat Maibel.

- Q. Dr. Ilgner, you made a mistake; you meant the MIPO was in-
- A. Yes, I was talking about the HIFO and not about the AO all the tire.
- Q. Dr. Ilgner, the Prosecution has submitted Echibit 379, Book
  MIV. English Page 117, Gorman Page 165. This is a letter signed by
  Kom reienrat Jaibel and yourself of the 31 of January 1942 and is directe
  to to Foreign Organization. This letter is supposed to reveal the close
  and itimate relations of Farben with the foreign organization. What can
  your y about that?
- A. That is exactly what I said before. That is purely a routing letter which became necessary after Teibel had taken over to discuss with arben all basic differences between Farben and the AO. As I said, Mr. Weibel was in Frankfurt; the AO was in Berlin. That is why we needed some organization in Berlin, the ATO. I know from the heads of the department MTPO at the time director. Terhaar, and the Prokurist, Mueller that Mr. Weibel didn't make use of that office because he always went to AO on his own and only very seldom informed the WTPO. How that was handled in detail, I don't know; that was purely an internal matter.
  - Q. Dr. Ilgner, it may not have become quite clear why Mr. Waibo.

was en rusted with the task of maintaining contact with the foreign organization.

- .. As I said, the AO was a Party organization. They received their orders om above. As the years progressed in 1937, the attacks against the Jewish: presentatives increased. As we saw it in the case of Austria, we didn' do anything in that respect before 1938. Since these difficulties increase and extended in their scope, it was clear that we needed a prominer, man to deal with them. Since the sales combine dye stuffs had most of the biggest Farbon foreign representation and mince faibel was the uncreased with dealing with that office.
- The prosecution mentioned a luncheon in connection with Fr.

  Waib I which took place during the war in honor of the heads of the foreign organization. Nould you please explain that?
- A. During the war, a number of differences had come up. The Part maint ined that now we didn't have to cancellage. Now we could decamoufly We were skeptical. We said, "No, in the amberest of business we have to maint in our organization abroad, as it was up to us now. Unfortunately we can ot hang out the swastika now." A number of O.A. people returned and Mr. We bel probably though that it would be advisable to have a luncheon at the Hotel Adler in order to pacify these gentlemen of the AO. A number of the leading business non of Jarbon were present. Unfortunately, I couldn't attend that luncheon. That is why I can't describe to you what happened there. Friendly were probably exchanged, as that is usual among cultivated human beings. These weren't the little people of the AC. There was Bohle there, and the most important people were there.
- Q. Dr. Ilgner, I think we can leave that point now. I am now turning to a new subject: the trip to East Isia and the report about East Asia, Trial Brief Page 67-A. Let me put a few questions to you with rest to jour East Asia trip and the report on the trip with which the presecut has dealt. How long did that trip last and who participated in it?

- ... From August 1934 until June 1935, Goheimrst Loderer, Guenther Schiller and the LAFT limison man of every country.
- A. Lederer, up to 1934, was the deputy chairman of the German Lacaderbank. He was a Jow. He immagrated in 1934. I helped him build up a new existence.
- Q. What were your specific tasks with which you had to deal during that trip? Please only mention the most important ones and just give is clues.

A Mainly questions with reference to foreign exchange adjustments, with dollars, French Francs, industrial problems, the nitrogen problem in Chine, together with the Imperial Chemical Industry, industrial finances, financing extensive negotiations with Hon kong and Shanghai Banking Corporations and their General Manager, Sir Jendolar Grabel for a plan for cooperation between the Hongkong Bank and German Asia Bank in connection therewith. In view of the Chinese majority which had been intended for this project, we wanted the formation of a Chinese Bank Union, the formation of a financing company. In addition, there were a number of specific negotiations in valious countries, moreover, an extensive study of the economic developments in the Asiatic countries.

- Q Wasn't the time a little short for the latter study?
- A Yes, and no. With the help of Vomi, I did quite a lot of preliminary work. I drafted a number of memoranda and sent them to the liaison man asking them to correct and supplement their memoranda. We sent out questionnaires about matters about which we couldn't find out anywhere also and in which we in Parbon were interested. I found out, however, that authorities had only resurned very little and bad material. Whatever one actually wanted nobody had.
- Q In the Prosecution Document Exhibit 776, Book 44, English page 18, German page 18, is the affidentit of Jacobi. It is stated that you wanted to obtain better information because the information sup, ied by the authorities was not sufficient. That is what you have just said.
  - A Yes, that is quite right.
  - Q Would you pleass explain that?
- A Yes, that is quite correct, with one reservation, however. We in Farben wanted this material for ourselves and not for the official authorities. That is not why we got such information. As far as I know the situation now, the AO, for instance, didn't receive any of these reports which are being mentioned here. At

least, I don't know of them. Only in the case of larger publications, as in the case of my East Asia Report or my automobile Report after the So th American trip, but Mr. Jacobi navar knew of that and still does not know of it today.

Q From the Prosecution Document Exhibit 762, Book 48, English pages 45, 47, 48, German page 52, it becomes apparent that Hit ar received a copy of your East Asia Report. Page 67a of the Tri 1 Brief speaks of a special copy. What was the occasion?

A When attending a social event of the old Baron Brandenstein, a friend of my father's, I met State Secretary Lammers, who
later became Reich Minister. Mention was made of my East Asia Report.

I send Mr. Lammers a copy. Lammers was very interested and wrote a
letter to me; very politely he asked, "couldn't you send me a second
copy and parhaps underline the most important 50 pages so that I can
hand it to Hitler." I was very glad to use that opportunity of
marking with red pencil the 50 pages which seemed most important to
me; that was the subject, "Contact with the world." In addition I
visited a number of people in the Ministery of Economics, people from
the old school and I asked them what they thought, that I should mark
in red pencil. I did that, but it was not a special copy. It was
the same copy which was sent to all the others,

Q The Prosecution submitted another document, Exhibit 581, Book 47, English page 6, German page 9. The distribution of your East Asia Report is shown by that document. According to what points of view was the distribution made?

A Principally all the officers of the Farben concern receiv.i the report, all economic circles which I knew; furthermore,
all presons and agencies which expedited me in the execution of the
trip, for instance, by way of letters of introduction, or who assisted
me in the compilation of the report by placing statistical material
at my disposal; beyond that, a number of personal friends of mine received a copy; over 300 copies were distributed and it was my intention

efter my return to ask my associates, Dr. Reithinger and Dr. Wolfgang von tuarpitz, who had made similar trips — incidentally, Dr. Tuarpitz had timed much merit in the compilation of that report — I intended to print this report in the same way as the China and Japan Year Book from which I used a lot of data, or, rather, as my associates in the Vomi old before me, who dealt with that. But then there was the war and I call ill and I could not realize my aim.

Q Did your trip bring any favorable success?

A Apart from the business successes, nitrogen projects, etc., as a result of the simultaneous presence in East Asia of Mr. Waibel, who was a very experienced man in East Asia, the Eastern Asian Committee of Farban was formed after our return. Mr. Waibel became President; I became a member of the committee and furthermore the representative assemblies in China and Japan were instituted, from which reports were sent to Farban from Japan and China. In addition my ssociate, Saxer of the Office of the Commercial Committee, became the secretary of the East Asis Committee.

Q Dr. Ilgner, I heard you mention the word "reports".
Were these the reports which Dr. Jacobi mentions in his affidavit
exhibit 767 in Book 44?

A No, the reports mentioned by Dr. Jacobi, the formulations which Dr. Jacobi selected in his affidavit are incorrect. He confused everything. Jacobi, already in 1935, had emigrated. There were only Parben liaison men since August 1937. Jacobi did not actually experience the development of the liaison agencies of Farben.

Q Dr. Ilgnar, what was the purpose of these reports of the representatives of the assemblies in China and Japan and what w s the meaning of the East Asia Committee?

A Wa wars concerned with the current Farban business, corrency questions, foreign exchange questions, industrialization questions, etc., and everything which I mentioned in connection with exert made it necessary for us to form a clearing agency within

Far in and that was the East Asia Committee. In order that the East asia be informed correctly the representatives were asked to send reports about business activities and whatever was going on in the country. They also referred to the political situation whenever it was i teresting to us, the same thing for the economic situation or whatever would be of interest to us whatever, that was at a time when expert was being promoted.

Q With what foreign firms did you have most contact during your E st asis trip?

Standard Oil Company of New Jersey -- the latter was a purely social contact. Then there was the Imperial Chemical Industries; that again was a business contact and then the Hongkong and Shanghai Banking Comparation; that was business as well as personal. During all my last trips I always had introductions to these first mentioned three lasts concerns and during this trip I learned for the first time what the conception of supervisors means. I learned of them for the first time, and I met some of them personally, and afterwards we got the idea of forming I.G. liaison men, which is exactly the same as a supervisor. Apart from that I always visited the big German firms, Siemans, A.E.G., etc.

Q Let us turn to a new subject, Dr. Ilgner. Let us turn to your South American trip in which the prosecution was also interested. That is mentioned on pages 58, 68, and 91 of the Trial Brief. When did this trip take place?

A From the middle of August, 1936, until just before Christmes Eve, 1936, that is to say, sixteen countries within about four months, or a little over four months.

Q Page 58 of the Trial Brief mentions Exhibit 773, Book

1., English page 33, German page 64. This is one of your affidavits
about your Faroen Concern Report dealing with your South American

trip. How did this report originate?

A Dr. Nath, I must correct something here. During my interrog tions in Nurnberg, the full report was never shown to me. I therefore believed it was merely a general report, the same as the East Asia report was. Subsequently, however, I found out that was not so, because there wasn't any such report. It was never compiled. In other words, there was only the internal Farben report, which is in evidence here. Throughout the entire trip I could not deal with the entire development, because I fell ill after my return.

- Who received this South American Concern Report?
- A The business men and leading personnel of the Farben conc.rn and not, as it is stated in my affidavit, Exhibit 773, the same circle of people who received the East Asia Report. That was an error.
  - W Did you draw up the report yourself?
- A The basic thought originates from me and a few quotations and this was because, as I said before, I wasn't very well, I asked my aide accompanying me, Mr. Schwarte, to include the file notes which he draw up during the trip.

- 9. Among these file notes were also those concerning your discusations with the AO.
- A. Cortainly. Schwarte wrote all the file notes in that respect.

  It was a no in diary form. That meant, of course, he made his own notes of all a scussions, and the ontire report had his style.
  - Q. That do you meen by that, pointing out lir. Schwarte's style?
- A. Dr. Nath, at the time that was quite insignificant, because each of : y colleagues whom the report concerned knew very well how it was meant. Today, when the prosecution attaches quite a different signific use to every single word, all these matters are more important. For instance, Iir. Schwarte wrote down and included my negotiations with the Party people, just as I said them and he wrote them down in their verb in form. However, what I wanted to tell my colleagues internally could so expressed differently, as I did for example during official conversations with representatives of the Party. One must keep in mind what : intentions actually were. Thenever I had a conversation with a representative of the Party I had to sugar-coat him as we say. A proper report, however, I would have expressed all these matters somewhat differe tly. Schwarte perhaps was somewhat harsh in his manner of expression, but that does not change the fact that the statements I made during my meetings with the official representatives have been repeated in their verbatin form.
- Q. Dr. Ilgner, on the same page, 58, of the Trial Brief, the presecution mentions Exhibit 790, Book 44, English page 111, German page 200. They say that after you returned from the trip, you drow up, I quote, "A program for the defense against the spreading of enti-German sentiments in Latin America." Is that true?
- i. In no way at all. First, this exhibit is a letter of my companion and aide, Schwarte, to the General Consul of the Foreign Office, Benzler. I do not remember ever having seen that letter before it was presented to me here in Hurmberg. With reference to the style and form of that letter, the same is true as what I said before.

- Q. How did this formulation come about, "defense against the spreading of Anti-German sentiment in Latin America?
- As it becomes apparent from Prosecution Exhibit 790, this was a form lation coined by the efficial agency in order to meet the measurer taken by the United States opposing German economic interests in Sout. America. The German diplomatic representatives in Latin America asked up to report to the Foreign Office the experiences we had during the trip. I would assume that the letter of hir. Schwarte came about in this i unner.
- Q. Or. Ilgnor, what were your personal views with reference to the measures taken by the United States opposing German export?
- A. This means the expression of my basic thoughts which I uttered repeatedly during the trip. It was my view, and, even during the war I expressed it on the occasion of public lectures, that the United States, because of their geographical and economical political position must have No. 1 position in Latin America. I expressed that during my trip in 19.5. Furthermore, I said that we would have to see to it that between the United States and Germany a better relationship should exist. This was the center of argument in all my discussions in South States. In. Schwar a expresses this basic thought at the very beginning of his letter to hir. Benzler. I quote, The elimination of the U.S. American influence will only come about through the creation of a more understanding relatiouship of Germany towards the United States."
- Q. Can you give no a number of specific examples concerning your relation thip to the United States during your Latin American trip?
- A. Oh, yes. Apart from my generally close contact with American circles, apart from Standard Oil of New Jersey, apart from National City Bank, I not official representatives of the United States in nearly all countries. In Brazil I not the General Consul. In Chile the embassador invited me to lunch. I was guest of U.S. colony dinners which were held in my henor, in Peru, but let me give you two specific examples: I told all ur representatives that if they did not yet have an account with the

National Sity Bank, they should open an account with the National City Bank of 1 w York. I attached great value to this close contact with the Unite States. When passing through New York, when returning, the President of the National City Bank entertained me personally, Gordon Rentschel. He asked no what he could do for me in return. I told him, "Sell, if you could arrange an evening for me and invite a number of business people from New York, Americans, who are interested in business with the South States, so that I can tell them of my impressions and can in turn learn senething from them, I would be very grateful to you."

During this evening arranged by Gordon Rentscher I told these American busine smen about all my impressions.

Clear. Then I was in Lime, Peru, I received a telegram from my friend, william on Rath from New York; he teld me in that telegram that the Chief of the Chemical Division of the Department of Commerce, Washington, D.C., who I know was at present in South America. He was in the same countries I was, and perhaps I would have an opportunity to see him. I did not see him, but he was present wherever I was. I found that out subsequently. When I was in Colombia senetime thereafter, I received a second talegram from William von Rath. In the meantime, Mr. von Cannon had returned to America. I shall never forget that telegram. I still remember it today as well as then. It reads: "Congretulate you feverable impression your trip in Mashington stop."

Dr. Ilgner, within the frame of these discussions, I should like to in reduce enother subject. The Prosecution, in their books, 44, 45, and 4c, has submitted a number of exhibits. These are Exhibits 779, 791, 796, 795, 818, 819, 820, and 830. All of these exhibits deal with Ferben's contribution to schools, hospitals, cultural institutions, contributions to charges of commerce. What can you tell me about this policy of Farbon, insofar as there was a policy of making contributions?

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A.- There was no policy with respect to making contributions but
Farben was always the biggest exporter, noblesse oblige. In Mospitals
Bayer preparations were used. That was business. The chambers of commerce were always included in the promotion of exports. That again was business and very sound business. Furthermore, the better German prestige was in a country the better were the chances for export economy and vice versa, but these are well known facts.

.- Did you yourself visit hospitals and schools during your trips, did ye a have any cultural interest?

with me narrow field of work, but I wanted to gain a general impression without which a general judgment of another country is impossible. In order to to that one must also visit the cultural institutions of a country. In addition I had and still have personal interests in the cultural and mainly archeological field.

Q.- Dr. Ilgner, what were the main tasks during your Latin American trip? jould you please be very brief and just give us cues?

A.- The first, questions of foreign exchange and currency. This was in connection with the devaluation of various currencies. Secondly, promotion of exports. Difficulties had arisen with various commercial firms, and that is being expressed by my export memorandum. Then there were discussions with respect to the application of methods for the promotion of exports. This had to do with the Zav 50-million establishment, of contacts with all agencies who could help in the promotion of exports, in connection with all those agencies who were responsible for that. Thirdly, industrial projects. I just give you a few. In Brazil, there was the powder project in which the Sales Combine Chemicals was interested. The Quebracho factories. That was a question of the die stuff, sale of dies. In Argentine, powder project initiated by Sales Combine Chemicals. There were many smaller industrial projects, the Uruguay Soya plant, in Mexico nitrogen

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factor; and a number of other projects in various other countries,

ry. D. you openly express this view of yours during your trips?

A.- Dr. Nath, I just forgot something, and it is very important because the prosecution has mentioned it so often. The fourth point, in the same wat, as during my East Asia trip, was my endeavor to deal as extensively as possible with the general political and economic situation in the countries, particularly with respect to nationalization and industrialization intentions. I had to inform myself about the national and international competence, business competition of Central and Latin America. I discussed these problems with the representatives of all nations at great length, and I spoke on these matters on the occasions of dinners, and when visiting chamgers of commerce I always clearly expressed my views, particularly in the Argentinian Industrial Association in Buenos Aires. I also explained these ideas later at the International Chambor of Commerce in Paris, in Berlin and in New York. I wanted industrial cooperation of many nations in the interest of the increase of purchasing power.

noral fiterest because your view is important with respect to the Southeast E opean complex. Mould you briefly at this point tell me about your basic toughts on industrialization?

A.- The volume of world trade before the outbreak of this Second World War had not yet achieved the height it had reached before the First World War. In my opinion one could only be constructive if these nationalization and industrialization tendencies were met in the agriculture and raw material countries by supporting them. That meant an increase of the production volume, an increase of the standard of living, an increase of the volume of purchasing power, that is to say the increase of the volume of world trade. If one would not cooperate one would make bad investments; that is wasted money and in turn wasted purchasing power. However, these

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efforts could only be supported if one was acquainted with the national sensiti ies and these were based upon good reasons because all these countries has made their own experiences during the first world war. In other words, national majority or else insufficient support by the country in question.

- Q.- Did you ever speak about these views of yours in New York and with whom?
- .- Yes, apart from the evening with Gordon Renschler when I clearly discussed these thoughts of mine, I also spoke to Mr. Walter Teagle
  of the Standard Oil Company of New Jersey, Mr. Jordan, the president of
  the Mational Industrial Conference Board, and there were a number of
  smaller occasions when we discussed the subject and found a great deal
  of interest.
- Q.- We shall now turn to a new subject. We shall turn to the contributions for books which had been mentioned here. The Prosecution has submitted Whibit 91, Book 44, English page 116, German page 208. This shows the sending of books to Party agencies in South America. Can you tell me anything about that?
- "merci" if a favor is done to me, and I used books for that purpose. In every country I had a number of books and cameras at my disposal and almost exclusively these books were non-National Socialist books, and that can be seen from many letters of thanks, books about Humboldt, good literature as it is customary among educated people. Since, however, I had to give some gifts to Party agencies, I couldn't very well send them Karl Marx. That is why I had to send them gome National Socialist books. I don't think there were many, but you could find that out. The fact is the majority of these books that were mentioned, were classies, Goothe, Schiller, etc., I sent to the schools. And now we are getting to the point which the Prosecution has emphasized. On this occasion after it became

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know that I was a man who gave out gifts, people approached me and they all : mted something, and letters to that effect were sent to me, to Germa , and I transmitted these letters to my associates and I asked them, See to it if you can fulfill the request of all these people."

Q. - And how could you execute that; how could you fulfill these wishes:

A.- I studied it all here in Nurnberg and now I can reply. My general policy as known to my associates. Altogether thirty dispatches of books were set to chambers of commerce, cultural institutions, schools, etc., and about six dispatches to Party organizations.

Q.- To make it clear, what about Exhibit 791 submitted by the Prosecution, containing the high percentage of national socialist books, to which consignment does that refer?

A.- That, of course, only refers to those books which were sent to part officers. Apart from that I found out, I looked through the list a fe days ago, that a number of pages were written over twice. In other word, in the original document pages have been duplicated. That means that the lists appeared to be much more extensive than they really were.

C.- I think that this error has been found out. Thy was National Socializ literature included in the dispatches not addressed to the foreign organitation?

As you refer to the non National-Socialist agencies? There I found out that the percentage of National-Socialist books was practically non existant. That at least was the majority of all consignments. There may have been one or two exceptions. But the reason why a few books were always included is the following: My associates did not concern themselves personally with these matters but asked a book service to earry through that task, and this book service belonged to the Prussian State Library, and that had to be used because this was the only place where second-hand books

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were to be found only there. Otherwise they couldn't be obtained. The head of this book service, as I just found out, was not a Mazi. He, on his own initiative, added a few Mational Socialist books to these book lists because as he told my associates, such dispatches were controlled by the A.O. and that 's why it was necessary to do that.

- Dr. Ilgner, I have two questions. I shall finish within one minute.

But couldn't your associates refuse acceptance of these National Socialist books which were included by this book service?

A. No, the entire sendings would have been jeopardized had they done so. The swere just very few. They were attached quite free. They didn't cost an thing, and you couldn't very well say no. In other words, my associate couldn't exercise any influence at all.

Q.- Did you personally concern yourself with this entire sending of books?

A.- No, not at all. I only learned about it here in Murnberg. The only things I saw wore the letters of thanks which were submitted to me.

DR. HOFFMANN: Your Honor, I should like to ask you to excuse the defendent von Der Heyde from the afternoon's session.

THE PRESIDENT: Very well, that request is granted, and the record may now that the defendents Krauch and Ambros have returned to the court-room from the hospital.

he Tribunal will now rise until one-thirty.

(An adjournment was taken until 1330 hours.)

# AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 17 March 1948).

THE MARSHAL: Persons in the courtroom will please take your seats.

The Tribunal is again in session.

DR. LUMSERT: Dr. Lummert, counsal for the defendant Kushne.

Your Honor, I should like to ask you to excuse the defendant Kuehne from this afternoon's session that he may prepare his defense.

THE PRESIDENT: The request is granted. "

DR. RUDOLF DIX: Your Honor, I should like to make three applications for the correction of the English and German transcript.

THE FRESIDENT: Have you checked them with the Prosecution?

DR. DIX: The Prosecution has been informed.

THE PRESIDENT: Just a moment. As a matter of saving time I am wondering do you have that in the form of a stipulation?

DR. DIX: No, it was merely arranged with the Prosecution.

THE PRESIDENT: Well, would it not serve the same purpose if counsel for the defendants and the Prosecution would sign the memorandum? We will order it filed and made a part of the record and order the transcript corrected accordingly, and it will save a good many minutes on presenting it. In other words, if you gentlemen agree on it, we will trust your judgment on it, and there is no use of encumbering the record and consuming the time in making a purely formal entry, so I would suggest that you sign the stipulation and when you have done that call our attention to it and we will order it made a part of the record and order the record accordingly.

MR. SPRECHER: "t the request of a number of Dr. Dix's colleagues we are incorporating Defense corrections into the Prosecution motion to correct, and that seems to be a simple way of keeping it altogether without any turmoil."

THE PRESIDENT: Very well, the fewer we have the less confusing it will be, and if in the future you gentlemen will agree upon 17 Mar 48-A-1B-15-2-Hoxsie (Int. Ramler)
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such corrections as should be made and sign a memorandum to that effect, we will order the record corrected accordingly.

DR. DIX: Cartainly, your flonor. I think that we have the agreement now. I think I have to send these applications to the Prosecution so that they may co-sign them with us. Should I then hand them over?

THE PRESIDENT: Just one or the other of you call our attention to it in open court. We will make the order that the record be corrected in accordance with the signed stipulation of the parties and the matter will be closed. You can do that any time. After it has been signed call our attention to it sometime and we will make the order.

Now the record may show that the defendant Ilgner has been temporarily excused from the witness stand and the defendant Haefliger recalled to the stand for the purpose of the completion of the redirect examination by his counsel, Dr. von Metzler. You may proceed.

PAUL HAEFIIGER - Resumed

REDIRECT EXAMINATION

BY DR. VON METZLER:

Q Mr. Haefliger, the Prosecution in the course of its cross-examination has submitted to you a number of documents about which I wanted to examine you. Now, have you got these documents before you?

A Y∋s.

I shall start with exhibit of the prosecution 1996, 1997, 1998. This is a correspondence between you and Director Ziegler, Bitterfeld, in which the question of the trustee administration and continuation of Russian light metal plants is being discussed. First of all I wanted to ask you this: were you informed about the situation of the Russian light metal plants after the outbreak of war against Russia?

A No. When I learned that the Reich Ministry of Economics intended to create trustee companies for the trustee administration of the chamical industry in the occupied eastern territories I was also informed that a similar procedure was considered in the light metal field. I transmitted this information to the competent electron-metal departments at Bitterfeld and on the 5th of August 1941, that is Exhibit 1998, I received information from the director, Dr. Zieglar, from which it becomes apparent that the inquiry which was sent to RLM about two months before the commencement of hostilities was not sent to ma. The indication in this letter, and I quote, they say, With respect to the incriminating negotiations with the Russians at the end of the last year and the beginning of this year, we deserve a cartain appraciation", refors to difficult licensing agreements which at that time were carried on with the Russian Trade Delegation in Barlin to give the Russians a license of our magnesium process and the process of its application. We gave the Russian experts full opportunity to gain insight into our plants, and we afforded them an opportunity to study the production there, although the contract had not as yet been sigmed.

Q Fardon me if I interrupt you, when was that?

A That was in the beginning, or rather at the end of 1940 and the beginning of 1941.

Q Thank you vary much.

A The trustee management of companies in the occupied territories was never actually realized. At any rate I never heard that a trustee company was founded in the field of light metals.

Q Mr. Heafliger, let me put to you one sentence from Prosecution's Wxhibit 1998, and I quote: "It was generally stated that a reconstruction of the Russian light metal plants cannot be considered because the labor situation, the raw material supply, etc., is too difficult to solve from the point of view of transportation." Did you know about that fact when writing your letter, Exhibit 1996?

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- A No. As I said, I was only informed about that through a letter of Dr. Ziegler's.
  - Q Would you have written Exhibit 1996 had you known of that?
  - A No, then there would have been no reason to do that.
- Q Did you know anything about light metal and stripping of light metal instrument plants in Russia which is mentioned in one of the Prosecution's exhibits?
  - A No, I never heard enything of that.
- Q If I understood you correctly, you said that this exchange of correspondence at any rate as far as you ware informed, had no consequence.
  - A Yes, that is true, as far as I am informed.

- Q. I am not turning to Prosecution Exhibit 1999; this is a letter signed by Er. Bollmann, directed to Firben attention Dr. Megler, Mitter-feld. It deals with the unsatisfactory fulfilment of French celivery bligations concerning magnesium. Fere you informed about the supply contract an juestion here?
- A. No. I received information bout the agreements which the French at gnosium producers after the gradistice was signed and only through this report of the Trade Plenipotentiary Lollmann , whom I no Lower remember. This letter fortunately refreshes my memory about ... only visit to Parks during the war. This agreement came at a time then I was not in Germany but in Italy, for reasons of health. I must conclude from that letter that the young people, a ong them lat Lt. Climord indreas, a rel tive of teber Andre a and has secretary for solutions had been ensigned to duty in Paris by the Lehrmacht and was Chorolore no longer active for Farben. They probably spoke in rough terms to these producers. That was not at all in accordance with my attitude. For many years I had been very friendly with the heads of those French concerns, especially there ferrous alloys and neighte chlorides were concerned in which sphere we worked together on the U.S.A. project, and were riends for many years. Therefore, I wanted to be present during the next meeting in order to see that in the future all rough handling should be done without. The conversation, as I remember, as carried on on vor . friendly b. sis, and dealt with the assistance we could pive to the French with respect to their plants. We also wented to see to At the they could continue to supply their goods to their own French customers. I for I heard nothing wore about any tensions or frictions with these French companies. I never met the person Hammen mentioned. Idon't know him. I can't say thather the French plants were expanded; I only know that the . Frenchmen would have liked to expand. I think, however, that failed because of the lack of availability of material.
  - . r. Macfliger, you cannot therefore tell us whether the non-ful-

filment or poor fulfilment of the French supply obligations are due to political reasons or whether there were legally valid reasons for that.

- A. I thought about this matter at great longth, and naturally the situation was difficult at the time. Decisive, however, in my opinion was the technical situation. I remember at the time there was a great shortage of water in the alps, and that, therefore, there was only a limited supply of current, so that all these plants which were dependent upon current were stopped. That was evidently the reason for the deficient production and, as a consequent, non-fulfilment of the obligations. In then promised todeliver coal in order to make up for the shortage of the current. I can't remember these matters in detail, but we were concerned with such juestions and I am not under the impression as it these gentlems in for purely political reasons wanted to every the obligations to which they had agreed.
- Q. Thank you very much; and, you don't hapon whether Healen was included in these negotiations as the text of the letter says?
- the mention of It. Clifford andress it seemed that the military durings—
  tration at Paris obviously used a man who was to take care of the ligison work to these authorities. That functions he exercised actually and what authority helped in the plant, I don't know and I can't see that from that report.
- Thank you very much. I am not turning to Prosecution Dahibit 2000. This is an affidavit which you gave about Norway. Only one mestion interests me, and I am putting the following sentence to you. I note page 1 of the affidavit.
  - A. Yes.
- "The negotiations which followed afterwards between F. rhen and Morsk Hydro were not initiated by the German Leich. At any rate, I do not remember having been told that the order was designated "Morsh Delro" altredy at the time. I only want to ask you whether or not this sentence is

not in contradiction to what you have told us in your direct caudination about these negotiations?

A. No, I don't think so. The affidavit which was subditted here is in accordance with what I remembered without having any atternal to my disposal. That was last year. I see no contradiction with an testimon in direct commination. Further and above in the affidavit I say that an order of the heigh was here for the construction of an additional plant. I don't know whether the order for this plant named, in so many ords, worsk Pydro as the partner in the n gotiations. In the meantaine I found out here in furnberg from Prof. Krauch that General Director subort of Morsk Hydro visited him in the fall of 1940 and himself suggested the cooperation with Farben in the field of agreeium. The scien limister of aviation was also agreed to that here on in order that the any form a substitute for additional German plants.

Thenk you very much. That will suffice. I am now turning to prosecution Exhibit 2001. These are the sinutes about the Austrian sectings of the 19th april, 1938, which you also attended. During your cross examination you were asked, if I understood it correctly, with respect to an each me of DaG share package, in connection with the Shod. Catalar transaction. From this Prosecution Exhibit 2001 I am putting to you was 4 of this exhibit and I need the following sentences: "Thrue are in a been ordered when visiting Budapest next week to investigate a possibility to bring about a minority participation of Paster Hungarian I tion 1 I ask in Parbon DaG Spatislave." I continue quoting: "Lith respect to Lussia's suggestion to exchange mussig shares against DAF shares, no possible can be taken at the moment." By question, at Haefliger, did this DaG exchange of shares project have anything to do with Skoda atzlar?

... I think two metters are being mentioned here between which one amust dist against; firstly, the acquisition of Aussig shares through exchange of the Pressburg shares, this has mething whatsoever to do that the question of Skoda metalor. This passage, however, confirms the testimony that it the time Parban only the jut of a capital particulation in

Verein Pres and not of acquiring the plants assig and Falkanua in The Sudetenland. To substantiate this, I quote a pessage from that exhibit, and I quote: That is page 4, at the bottom: "Ilgner undertakes to discuss the possibility of purchasing against as with General Schoots."

Secondly, with respect to the proposed minority participation in the Eudepost Bank of Danasit AG, I only see a very loose connection with the Sheda attribute. General Director Phillip of DAG, Pollak of Show Metaler and Parbon, had undertaken a plan of marger in austria and it was not necessary to acquire this minority in Budayest which was in any rich hands, for actual acquisition of this minority was nevertealized. I remember that Caheinret Schoots we snot in favor of acquiring that unnority. We said that it would suffice if we only would possess about seventy per cent of Danasit AG at Pressburg. I think that are Gattingen will be able to say more about these negotiations; at any rate, I did not writicipate.

- Thenk you very much; that will suffice. I am not terment to prosecution Embibit 2002. This is a file note concerning an objections between the organization mustrie, originating from Mayor-Legalia, where there is also a passage about the admission of Skode estalar above. Tere you informed about this file note?
- However, it does refresh my memory. I can see from this document that the final concluding negotiations concerning Shode tetaler were carried on by Director Dr. Fischer. Is I have stated during the direct can an then, at the end of March, 1938, I had a conversation with Director Johann of the Freditanstell, but I did not take part in the negotiations.
- . You therefore cannot say how the fixing of a sales price cand about of 100 per cent.
- two estimates. There was a neutral estimate of a trustee course in Vienna who was a pointed on mutual consent, and a further estimate from our chief

Verein Pres and not of acquiring the plants assig and Falkenia in The Sudetenland. To substantiate this, I more a possage from that emiliat, and I quote: That is page 4, at the bottom: "Ilgner undertakes to discuss the possibility of purchasing assig share with Geheimret Schantz."

Secondly, this respect to the proposed abority participation in the Eudapest Bank of Dynamit AG, I only see a very loose connection with the Shoda ottaler matter. General Director Phillip of DAG, Polluk of Shoul Metwier and Parbon, had undertaken a plan of marger in mustric and it was not necessary to acquire this abnority in Budayest which was in turn rich hands, for actual acquisition of this abnority was nevertablized. I remember that Caheimret Schmitz wasnot in favor of acquiring that abnority. He said that it would suffice if we only toold possess about seventy per cent of Dynamit aG at Pressburg. I think that Ar. Gettineau will be able to say more about these negotiations; at any rate, I did not writicipate.

- Then! you very much; that will suffice. I am not termine to Presecution Thisbit 2002. This is a file note concerning no otherious between the organization mustrie, originating from Mayer-egalin, where there is also a passage about the admissible of Skoda estalar shares. Tere you informed about this file note?
- However, it does refresh my memory. I can see from this document that the final concluding negotiations concerning Sheds letzler were earlied on by Director Dr. Fischer. Is I have stated during the direct command that the final end of Tarch, 1938, I had a conversation with Director Johann of the Treditanotalt, but I did not take part in the negotiations.
- 1. You therefore cannot say how the fixing of a sales price cone about of 1:0 per cent.
- two estimates. There was a neutral estimate of a trustee coupar in Vienna was a predicted on mutual consent, and a further estimate from our chief

accountant, director Dencker. I assume that this basis was decisive when fixing this rate. I think that I can remember that from a purely mathematical point of view one arrived at a higher rate, approximately 210 per cent, but on the other hand the unfavorable expectations which we had as a result of the hig protective customs would also have to be when into consideration. That is why this rate was reduced to 180 per cent. I think this reduction was very modest:

- . Think you.
- a. That is my recollection on the matter.
- Thank you very much. I am now turning to Prosecution Exhibit 2003. This is questions. During your direct examination, in Excfliger, you mentioned, you made a statement about your conversation with Acgierungsrat Moffmann, concerning the appointment of trustees for the Polish dyestuff plant. In the Prosecution and ibit which I just mentioned, it is stated that Regierungsrat Moffmann at first took the view that it the moment he saw no necessity to appoint such trustees. Mow, i. P. Moffliger, let meast you whether you at all remember the details of these negotiations?
- A. Po, I cen't say that. I was not informed about the saturation at the Polish drestuff plant. That belonged to the exclusive sphere of the Sales Combine dyestuffs. Therefore, I no longer remember the details of the conversation with Regierungsrat Hoffmann, and as far as I know, I have testified to the best of my recollection that trustees were mentioned. From Dr. Prentzel's file note we can see that Hoffmann obviously came to our office; that happened frequently whenever he wanted to discuss without the import of sulphur. On this occasion coal was also mentioned because as I see now there was a teletype from the dyestuff department to Dr. Frueger. This telegram was obviously directed to Prentzel as the ligison between MR. 7 and Frankfurt. Hoffmann was then informed that you Schmitzler would be in Berlin next week and that he had intentions to discuss with him and Mr. Bulert of the heich finistry of economics what the best course of action would be.

Thank you very much; that will be enough; Mr. Haefliger, that is enough. Would you please be good enough to make a pause between my question and your enswer and would you please speak somewhat slower. What you are telling us now is contained in the file note and there is no necessity for you to repeat it. We don't want to impose upon the time of the Tribunal. The second question which I want to put to you in this connection is the following: Even if you don't remember the exact details of the conversation, do you remember that after this conversation you did not enter into further negotiations concerning these negotiations with reference to these Polish dyestuffs plants?

A No, I was never again included into these matters; in no way whatsoever.

Q And you don't know anything about the motives and the background with respect to the desire to appoint trustees for the Polish dyestuff plants?

A What I know, I have learned that here in detail.

Q Thank you very much. I am now turning to Exhibit 2004.

This is a letter of Geheimrat Bosch, directed to you, on the 26th of November, 1933, in which your appointment as Swiss Consul is being discussed. After the receipt of this letter did you give Bosch an explanation?

A Yes, I remember that this latter was forwarded to me to New York, and that after my return, sometime later, I wrote to Professor Bosch and said that he was erroneous in assuming that I was discussing matters with the War Ministry which were designated as secret, and I said that I don't know about any such negotiations on the part of the Sales Combine Chemicals. I may state that this letter, which today is Exhibit 2004, was already shown to me on the occasion of the first Farben investigation in Frankfurt on the 9th of October, 1945, and that I made a short statement about this letter for the interrogator Mr. De Vine. I have found a copy of that statement.

Q Thank you very much. There is no need for you to say that; we shall submit the statement into evidence.

A Further more I had a conversation with Professor Bosch at the beginning of 1934 which I still remember very well, because this was the only time I was ever alone with Professor Bosch. Professor Bosch told me that this matter, after my explanations, was settled as far as he was concerned, and that he had no further misgivings about my remaining Swiss consul.

Exhibit 2005. This deals with a latter which you sent to Mr. Carlo Ferrario of the 22nd of March, 1933. At first, tell me who was Mr. Carlo Ferrario?

A From the address you can see that he was Grand Ufficials Carlo Ferrario; translated into German this would be like Wirklicher Geheimrat, private counselor. Apart from that, Carlo Ferrario received the title Cavaliere De Lavoro, this is the highest title which was ever granted by Mussolini to industrialists.

Q My next question, Mr. Haefliger, what was Mr. Ferrario's position in professional life? What firm did he own?

A Ferrario was the sole owner of his expert trade firm for chemicals, the Acienda Di Prodotti Chimici, which had numerous connections with Great Britain and other countries. A letter from him, therefore, could be considered as official. I regret that the letter of 10th of March, 1933, from him to us, which I am sure was phrased in very elaborate terms, has not also been submitted. In that letter he congratulates us on the occasion of the change of the regime in Germany, and in my answer I naturally couldn't express what my personal thoughts were. At any rate, in 1945 the interrogator Mr. De Vine asked me about this too, who had this letter of Ferrario before him, and he then laughed and put it aside.

Q Thank you vary much. I am now turning to Prosecution Exhibit 2006. This deals with a long letter which you sent to Mr. Waber Andreas and in which you expressed your desire, if I may summarize it, to get a higher salary, and in which you substantiate that request for a higher salary. In this letter passages are contained which stress your efforts on behalf of Farben. Would you please define your position towards that letter very briefly?

A This is a confidential personal letter which I directed to Mr. Andreas in order to obtain an advance in salary. The fact alone that I had to turn to Weber Andreas with regard to such a matter throws light upon my real relationship with him, a relationship which was one of superior, not legally, bur factually, because otherwise I would have had to turn to the President of the Supervisory Board, Director Duisberg, who was responsible for such matters. Naturally I emphasized in glowing terms my activities in the sales combine — that is true; but, apart from that, the letter shows in many passages the correctness of my testimony during direct examination.

Q Would you be good enough to quite it?

I feel that I am somewhat at a disadvantage and I feel for sometime
I have been pushed into the background, and that I must indeed look
on while many of my colleagues are promoted over my head; for instance,
this year no less than eight gentlemen were promoted from deputy member to full members of the Vorstand." Then I go on to say "the only
outward sign of recognition shown to me is the fact that Geneimrat
Schmitz informed me recently that I was permitted to attend the meetings of the working committee. I assume, however, that I will not be
an official member of this committee." I continued to say "this
schematic plan," this was a so-called ideal plan, which was discussed
then, "this schematic plan had a depressing effect upon me, as in
these circumstances I must consider myself to be only tolerated in
some way as a superfluous member of the Vorstand."

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- Q. That, Mr. Haefliger, will suffice. Do you have anything else to say about that letter?
- A. Nothing else I can add. I regret that my personal matters get into public life in this deplorable manner.
- Q. I am now turning to Prosecution Exhibit 2007. This concerns the negotiations in Bitterfeld of the 17th of June 1935. The second paragraph discusses the storage of larger quantities of Wolfram ores in Central Germany. A desire to that effect was uttered by the HWM. What do you know about this matter? Was there any such storage taking place to Central Germany?
- A. Yes. I can't remember it exactly, but I think this was a question of the military authorities voicing the desire to remove this material from the frontier. Soellingen and "eissweiler were located at the frontier. Weissweiler was the biggest ferrous alloy plant in Germany, and belonged to the Elektra-Metallurgie A. G. Soellingen was the ferrous alloy plant of Krupp's. Both these plants were, and especially Weissweiler, within firing distance of the Maginot line and I can well imagine that one said it would be unadvisable to store materials there. The second paragraph of this exhibit mentions transfers and I think the Prosecution's statement refers to that fact. They asked me whether I knew that already in June 1935 such transfers took place to the interior of the country. When asked that question, I said, "No, I can't remember that." I may say that this document doesn't contradict my statement. This is not a matter of a transfer but this is merely a precaution that if in case of war, Weissweiler would be shelled to bits from the fortress line at the very first moment there would be a possibility to store these matters in Central Germany. In reality, however, neither at Weissweiler nor in Soellingen was there any transfer of storage. I have heard that Soellingen was even expanded by Krupp.
- Q. Thank you very much. That will suffice, I am now turning to Exhibit 2008. Only one copy was submitted by the Frosecution.

17 Mar 48-A-AJ-18-2-Spears-Famler Court 6 Case 6 unfortunately, which you, Mr. Haefliger, have before you. Have you got that exhibit? A. Oh, yes. Q. 2008? A. That is NI-14668, yes. Q. Since I don't have the copy before mo, would you please shortly state your position with respect to that exhibit? What is it? Quite brief please. A. This is the record of a conference at Bitterfeld on the 16th of August 1935 which I did not attend. According to the distribution list I recoived a copy of those minutes. I can't remember having read these minutes, and I am somewhat in doubt what this document contains, rather what the Prosecution intends to prove. Q. Mr. Haefliger, wait for my question. This exhibit discusses a reserve plant -- a standby plant at Teutschenthal. Do you know whether this reserve plant ever was built? A. No. Toutschenthal was an old plant which was constructed during the first world war and which to a small extent concerned itself with Molybdenum processing from waste products. Teutschonthal was laid up, and was never again used for forrous alloys. This was an idea which was never executed. Later a potassium chloride plant produced substances for the magnesium industry from a Kalinum plant in the neighborhood. That mas all. Q. Thank you very much. That will suffice. And now turning to Prosecution Exhibit 2009. This is a memorandum concerning a discussion at the office for raw materials and foreign exchange of the 11th of August 1936 at which Major Czimatis attended on behalf of the Reich, speaking for the Reich. First of all, did you receive a copy of that memorandum? A. According to the distribution list, one copy went to Mr. Bohl and one went to me. I can't remember having seen the memorandum. 9445

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I did not attend the conference, however, Dr. Buhl dealt on his own with respect to these quota and order metters, and it is quite possible that he did not transmit these to me. Moreover, this deals with expansion orders for aluminum which we only obeyed very reluctantly and only very gradually. Dr. Peterson is being mentioned here, too. At that time he was the leading man in the metal company. He was a non-Aryan, and he is now the president of the chamber of commerce in Frankfurt.

- Q. Thank you, that will suffice. I am now turning to Prosecution Exhibit 2010. This is an inter-office supplemental memorandum of the file notes concerning the proviously-mentioned conference. In this letter a tension is mentioned in the sector of light metals. What do you know about this matter? Do you know that letter?
- A. No. What I said about the minutes also holds true of this file note which was also distributed in one copy each to Director Buhl and to myself. I don't know what it was all about, but there were always tensions, either there was too little available or there was too much. I didn't know what it was all about. I didn't know what the current business was about, and I don't know what the discussion was at the time. It may be that the VAM, that is, the Associated Burninum Flants wanted to have a discussion with respect to magnesium because they didn't like to see us alone in the magnesium field.
- Q. I am now turning to Prosecution Exhibit 2011, which are minutes concerning discussions concerning the aluminum GMFH at which you, among others, attended. I am referring to Faragraph 4 which deals with the project of was construction of a alumina oxyde plant in the protected area. In that connection, can you tell me whether Farben at any time perticipated in this project, as far as you know?
- A. No. We never participated in an alumina exyde project in Germany. At any rate, we never were interested in it. Our alumina exyde supply was covered by supply agreements with the aluminum industry in Neuhausen, which was a Swiss company and their German plant, and I think

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there were also supplies by the Associated Aluminum Plants. And then there was a firm Guidini at Ludwigshafon. At any rate, we had no alumina exyde bases for aluminum, and that is why were somewhat weak with respect to that industry.

- Q. In order to refresh your memory, I may put the following sentence to you from the document, and I quote, "In view of the fact that the aluminum and alumina exyde capacity in Germany is approximately adjusted, and in view of the fact that any construction of another aluminum factory can only be considered in case "A", there is a general agreement that from an industrial point of view there is no impatus as to the realization of that project, that is why it has been agreed that the combine should not participate in this alumina exyde plant." As far as you remember, is this quotation in accordance with the course of this conversation?
- A. Woll, I really can't remember the details of this conversation, but it is clear that in case of war one has to consider that more alumina oxyde would be necessar, or an increased aluminum production.
- Q. Thank you very much. I am not turning to Prosecution exhibit 2012, which is a file note you make with respect to a conversation with ir. Schnurre at the foreign office when the matter Petsamon Mikkeli was discussed. Or rather, that was the only thing that was discussed. There are two questions I want to put to you with respect to that subject. Firstly, on page 1 of this file note I put the following to you. I quote, "The undersigned stated that according to statements made by Baron Wrede, the deposits at letsame are more important than had been originally assumed, and if the political situation in the menth would be clarified in the way the Germans want it, we can consider the nickel supply for Germany as being finally assumed." What can you say about that?
- A. As far as I can remember it is only the following. In the page contract between Finhand and Soviet Russia, after the winter war of 1940 a special status had been agreed upon with respect to the Potsemo

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area according to which the sovereignty of Finland in that area was limited to a great extent; for instance, Finland was not allowed to send military forces there and was not allowed to build any fortifications. There were other directives issued which limited Finland sovereignty in that area. I assume that at the time it was stated that since we had to give large sums that would be no tenable situation for any langth of time, which would give us any assurance with respect to further supply in peacetime. I assume, therefore, that the foreign office intended that in the case of a bussian peace agreement they wanted to clarify this very point.

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Q.- Thank you very much. My second question, I put to you the following sentence of page 2 of the exhibit, and I quote, "Very important is Dr. Schnurre's utterance according to which he was going to use the next available opportunity in order to touch upon the question of concessions in Finland. He said he would be in Helsinki shortly." Mr. Haefliger, I should now like to ask you this with respect to this passage.

Are we concerned with the same intentions of the foreign office of pressing for a transfer of the Petsamo concession from the Canadian firm to another firm? This is something you dealt with in your direct examination.

A.- Yes. This is the same matter, the same concession is dealt with here, but it concerns a different period of time.

Q.- Would you briefly tell us what period of time did you mean during your direct examination?

A.- During direct examination I discussed our first contact in 1940. Here again we are concerned with June 1941. In the meantime, much has happened. I may add that as opposed to the suggestions made by the Finns to the effect that they wanted to pay for the expansion at Petsamo themselves. I said that they approached us in the fall of 1940 and asked us to give them a loan amounting to 22,000,000 marks. This loan was made by group composed of Farbon, Krupp, and Metallgesellschaft, but we asked for a state guarantee by the German Reich. Naturally, on a private enterprise basis we could not give such a huge sum for an enterprise that was only 30 or 40 kilometers from the Murmansk front. As a result of that guarantee, the Reich was also involved. To my surprise, Dr. Schnurre once more brought up the questions of concessions. Thereupon —

Q.- Mr. Haefliger, Mr. Haefliger, I want to interrupt you, and please wait for my next question. Bid a cancellation of the concessions of the Canadian firm come about as a result of that of not?

A.- No. On the occasion of a social evening in Berlin at my house I took the opportunity of approaching the Ambassador Kivimaeki of Finland,

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and I discussed with him how this new danger could be avoided. I suggested to him this, "Why don't you suggest from the Finnish side that you were prepared to found a German-Finnish lease company which would take over the newly German founded plants by way of lease agreement and would not touch the concessions?" He agreed to that, and that is how the negotiations were carried on. As a consequence, and I must point out that I told Kivimaeki that Finland should be predominant in that company, conferences began, but the end was that everything was left as it always was. A transfer of concessions never took place.

Q .- Thank you very much. In other words, what you want to say is that again you avoided the transfer of the concessions?

A.- Yes.

Q.- Thank you very much. I am now turning to Prosecution Exhibit 2013.

This is a file note and an exchange of correspondence between you and Mr.

Ziegler concerning experiments with artillery carriage whoels made of magnesium metal. Can you tell us something about that very briefly? How far were you informed about this?

A.- To what extent I was informed can be seen from my note for Mr.

Ziegler, Exhibit 2013. In Frankfurt during one evening I coincidentally heard about such experiments with artillery wheels. I spoke with one military gentlemen — I don't know what his name was. I then wrote that I heard about that, and I asked this, "Have we been active in this field?" From that you can see that I knew nothing about it. Thereupon I received Mr. Ziegler's enlightenment on the subject. It becomes apparent from his reply that we have already shown interest in the wheel question, and there was a reasonable possibility for the expansion of this project which could also serve peaceful purposes, such as tractors and agricultural implements etc., and we also offered these experiences immediately to foreign countries, Sweden, France, Italy, England. This was merely a development which

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was of great interest. I never heard anything else about those wheels, and if a production of 400 tens is mentioned here, I really can't say anything but my impression is that if the German artillery had actually been fitted with such wheels, a capacity of 50 to 100 thousand tens would not have sufficed to cover their needs. Really, I don't know what the proportion of figures is in that connection.

Q.- Thank you very much. I am now turning to Prosecution Exhibit 2014.

This is a file note about construction projects in Frankfurt and Berlin dated the 16th of March 1938. Yould you please briefly define your attitude with respect to that note which originates from you?

A .- Yes. It is interesting for me to see it written down in the files again how surprised we were about this act in Austria and how suddenly we realized the so-called "E" question which we discussed in the commercial committee, which was always dealt with more or less theoretically, suddenly turned into "bloody earnest". I know that at that time there was general consternation in the commercial committee. Everyone asked himself, "That comes next?". We know that France raised a veto against the customs union between Germany and Austria in 1930, and we had to expect that'a much stronger interference was intended. This time we thought that France would take measures in that respect, then Italy, and then probably also Czechoslovakia, which naturally could hardly tolerate an encirclesent of her territory. "To said to ourselves, "A war is coming". And suddenly the discussion turned to the Grueneburg administrative building at Frankfurt was to be expanded; since this was a hobb y horse of mine and since I had proposed for many years that the sales combine chemicals bhilding should be constructed in Berlin and that a new, large building should be built for the housing of AGFA, I thought that now was a suitable moment to propagate my idea once more. Therefore, I tried to do that, and I said that I don't want to do anything in opposition to the Sparte disci17 March-E-FL-19-4- poers (Int. Ramler)
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pline, but I want to openly say that whether it is worth while to construct any expansions in Frankfurt where it was subject to danger and whether it would not be advisable to postpone the final decision until later when one could talk about it further. I merely took this opportunity which seemed to be favorable.

Q.- Thank you very much, Mr. Haefliger. At the end of your redirect examination, I should like to discuss Exhibits 2015, 2016, and 2017 of the Prosecution, which deal with the acquisition of your German citizenship. 2015 is a letter from Dr. Krueger and Dr. von Der Hoyde to the Wehrwirts-chaftsstab dated the 11th of August 1939 in which the question of the acquisition of German citizenship and the retention of Swiss citizenship is discussed. With respect to that letter, I should like to ask you this. Before sending this letter, did you know about its wording and its contents?

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A No. At the time I talked to Mr. Krueger and I told him that I naturally did not want to be embarrassed in my activity by the severe regulations against forcigners which were in effect at the time and which placed me in a very precarious position. I asked him to assist me in finding soms way out so that I could in some way evade those measures without being compelled to acquire Gurman citizenship. Ar. Krouger told me at the time: "Let this be my affair. I know about these matters and I am sure I shall find scale sort of solution in order to settle the matter." Afterwards I received a letter from Mr. von der cycle, who was entrusted with handling this matter for me on behalf of Mr. Krueger. He explained quite generally Mr. Krueger's idea without, however, going into details. I said: Well, Mr. Krueger took over this matter and there's nothing further I can say about that." I gave him my personal data which he needed for that purpose, my date and place of birth etc. Subsequently I heard nothing. Only after much time had clapsed - after this letter had been sent to the Military Economic Staff, I didn't even know that the letter had to be sent to that office 1 received information through Dr. Bull, I think in September 1939, and he sent me a copy of the letter.

- Q bhat exhibit are you referring to?
- A That is Exhibit 2017, dated the 30th of August 1939. The letter to the Military Economic Staff was already sent off on the 11th of August.
- Q Mr. Haufliger, you are now saying that only after the beginning of the war you were acquainted with the contents of this letter?
  - A Yes.
  - Q Thank you very much.
  - Mr. President, this concludes my redirect.
- DR. RUDOLF DIX: Mr. President, I am now concerned about the reexamination by colleagues with respect to these documents. I hear that a great mumber of my colleagues want to put questions with respect to these seventeen or minateen documents.

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They have not received any copies of these documents and, therefore, they were not in a position to investigate them. This gives rise for no to ask the Tribunal that they direct the Prosecution to the effect that if, in the future, they submit documents during cross examination, something which they are at liberty to do, they should at the same time or, at least after the beginning of the rocess, hand all Defense counsel the necessary copies because, after all, we must be granted the technical opportunity ... May I continue?

THE PRESIDENT: Just a moment.

Go ahead, Poctor.

DR. DIX: My first request was that copues are placed at our disposal. Ay second request in this specific case is that exceptionally it be permitted that the reexamination by my colleagues should take place only at a time when they have had an opportunity to acquaint themselves with the contents of these decuments. By third basic request is that the Prosecution should adhere to the proper principle, in my opinion, to submit documents to the person under cross examination, to ask him about these documents, to introduce them into evidence but not put any questions at all as they have done it here. What they did was only to proceed with their presentation of decuments at an inopportune memont of the cross examination. I don't think that that is admissible. In summary, my first request, at first we need copies simultaneously for the defense counsel. The second request, Defense counsel desire the right to reaxamine at a later date. Thirdly, only submit documents in cross examination only at a time when actual questions are put to the witness in connection with these decuments in cross examination.

MR. SPRECHLE: Mr. President, I really don't think I should say vary much or have to say very much except to clarify one question of fact.
With the exception of about three documents, I believe, as Your Honors will remember, there was a partial processing of those documents accomplished so that I was able to pass to Dr. von Metzler six German copies

at the time each of the documents was introduced and, naturally, we look it to the ingenuity of Defense coursel to carry on from there. If particular ones had told me that they had a specific need for additional documents we probably could have made special arrangements. There is just a certain limit to the total amount of processing and mechanical work that we can carry on as an aid to counsel apart from a reutine, and we have tried to adjust this reutine as best we can so that there is a regular distribution made to all the Defense counsel in the regular way as soon as possible after this immediate court room distribution of whatever copies are available.

Now, it's just my personal opinion that since these documents could be used in rebuttal without ever being brought into the Court Room at all, the notice which counsel get and the six copies which counsel get really give them an advantage which is smoothing, as a matter of right, we would not be obliged to give them but which we have been doing as a matter of good common sense as well as courtesy.

THE INESTERNT: What the Prosecutor says is ordinarily true. That is, if this was rebuttal and the Prosecution used documents in the cturse of rebuttal, the Defense would find itself in the situation of having to deal with the cross examination perhaps under somewhat adverse circumstances but certainly one over which the Tribunal would have, unfortunately, no control whatever.

The present situation is somewhat out of the ordinary because of the unusual number of documents that the Presecution submitted in the course of the cross examination and the Tribunal fools that it can rely on the Presecution's furnishing an adequate number of copies at the time the documents are offered as the circumstances will permit. We are just presently under a rather heavy load so far as the processing of documents is concerned because of the fact that up until just a very few days ago we had some seven Tribunals operating here. That number is reduced and in the very next few days will be done to four and we have assurances that the reduction in the number of Tribunals will not

be reflected in a corresponding reduction in personnel in the processing branches so that we're hopeful that we will not be under this handcap so far as the future is concerned. The Tribunal will expect the Prosecution, in good faith and within the reasonable limitations of the problem, to furnish counsel with copies at the time they're offered.

Now, that takes care of the matter so far as future policy is concerned, but does not quite correct the problem of the moment. In view of the fact that as to all except three - I think, as I remember from our own experience - all except three of these documents are distributed yesterday, that is, to some of counsel for Defense - not to all, it does occur to the Tribunal that counsel for the Defense sucht to be able to continue this examination in this instance. This witness has been called back. We have now had to interrupt our normal program here of Dr. Ilgaer being on the stand and, on the assurance of the Tribunal that we will corporate with you, and we already have the assurance of the Prosecution to the effect. Can you say on behalf of your associates Dr. Dix, can we so along with the redirect examination of this particular defendant if we do not feel that there is waiver or admission on your part of some policy that may embarras you in the future? In other words, it does seem to us that in the light of the fact that most of these documents were distributed yesterday, that you ther gentlemen have almost as good an opportunity as your good associate, Dr. von Metzler, and he, after all, has had to deal directly with this matter as his direct responsibility and he has done that and has it behind him, and we feel that you gentlemen cusht to be in a position to go along in the same line. an't you do it this time, Dr. Dix?

DR. DIX: As far as I am concerned I have no request. I only spoke on behalf of my colleagues. According to what they told me, a number of them, perhaps many of them, are not in a position to have acquainted themselves with the contents of these documents. They really den't know whether they are able to put any questions or not.

In this exceptional case I would like to ask you that if one individual counsel for the lefense should ask to carry out the reexamination of Haefliger at a later date, and I point out in view of these special circumstances, this request be granted him exceptionally. Moreover, let me point out that these are only copues, he President, If the Presecution goes to the trouble to make copies, it isn't much more difficult to make twenty-four copues than six. The gentlemen of the Defense are in a semenant difficult position to approach her. von Metzler, to disturb him, who ifter all, is preparing himself for his reexamination, in order to get some of the documents from him. I think the Tribunal has enough imagination to see, our difficulties in that respect.

Tribunal has adopted vary liberal rules about the number of Defense counsel who are required to be in court and I think normally the rule is eight.

Now, we have generally had enough copues for that number of Defense counsel, but when the Tribunal does allow Defense counsel to be absent from the court in such great numbers, it does seem to me that those Defense counsel who are spetted into the court, according to some kind of rester which the defense has drawn up, are really in a position to see that those copies do get to the coursel who are concerned and if there is any shortage that then they can come and take it up as a special problem with one of our associates.

THE PRESIDENT: Well, there is a point. If you have a document processed there's not much difference if you process eight or sixteen, as far as that is concerned, and I believe that it would help the situation if you would make a little more lesway in the future on copues.

Ordinarily, perhaps eight are enough but where you do have a large manber of documents you multiply the possibility of other counsel being Interested in the subject.

Now, the Tribunal feels just this way about it. We do feel under compulsion, in the interests of time, to close as many gates behind us as possible.

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We have tried to avoid the necessity of transferring to the Cormissioner the conducting of any examination except those in which the matter in hand was that of an affidavit. In other words, we haven't seen the author of that affidavit and we have thought that there was certainly no point to the matter of demanding the right of having that kind of a witness produced before us for cross examination. We should be reductant to have to expand that rule in order to have a part of the examination before us and a part before the Commissioner, but it may be necessary. We will give you gentlemen about fifteen minutes now to seeif you can help us cut of this present dilemma and in the future we will try to work out a program that will not cause a recurrence of this instance.

The Tribunal is now in recess.

(A recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Are any of the interested counsel for the defendants ready to interrogate this defendant?

DR. RUDOLF DIX: I know that some gentlemen are ready and they want to undertake redirect examination. By application was only for possible counsel who wanted some more questions who don't know the documents as yet, but some gentlemen are ready now.

THE PRESIDENT: Very well, those who are ready may proceed. We will deal with the other matter if we reach a problem of that kind.

DR. HOFFMINN: Mr. President, may I ask first of all as deputy for Dr. Seidl for the defendant Dr. Duerrfeld, to have him excused for the remainder of the week to prepare his defense.

THE PRESIDENT: That request is granted.

## BY DR. HOFFLIANN:

Q. Dr. Haefliger, I mant to ask you first once more about these Documents 215, 216 and 217 -- exhibits. Do you have them.

... Yos.

MR. SPRECHER: 2,016, 2,015, and 2,017.

## BY DR. HOFFHAUN:

- Q. Mr. Haefliger, will you please explain to me quite briefly what the reason was why this letter was written as seen from your own point of view.
- A. The reason was that in order to avoid that I be subjected to the severe measures and restrictions against foreigners in Germany, and also to prevent or to make it unnecessary for me to acquire German citizenship. I could have evaded all these measures simply by becoming a naturalized German citizen, and I actually did that two years later because by that time the restrictions had become so severe and because the Gestape had taken over this matter so that this letter actually didn't effer any security for me any more because of the ever increasing severe measures.
- Q. Hr. Haefliger, but at that time when this letter was written you didn't have any desire to acquire German citizenship?

- A. No, but one had to present it that way. That was Krueger's idea. You understand he could say "Ar. Haefliger wants to become a German, but the firm forbade him because of interests for Farbon not to do that and the firm is going to see to it that you are not going to be molested as a foreigner." But that was Krueger's idea of wesenting this matter. He said "It's dangerous for anybody to say 'Spare re' if he can be told, 'Well, you can become a German', and if he then says 'Well, I don't want to become a German' that makes matters much worse." That was the whole idea of Krueger and he made a statement to that effect during the early investigations. He made an affidavit which we are going to offer later.
- Q. Mr. Haefliger, why did you have no desire to become a German citizen?
- A. Well, since 1909 I had been living in Germany. That is to say I had been in Germany for more than thirty years. I was going to retire in the immediate future, and I said to myself if I have stayed a Swiss citizen for thirty years why should I become a German new.

JUDGE HORRIS: Dr. Hoffmann, I am somewhat at a loss to understand how your questions or the question of hir. Haefliger's citizenship affects your client or as far as that is concerned affects the other defendants. Would you mind telling the Tribunal why you asked these questions; What point you are trying to prove as competent on redirect examination.

DR. HOFFILANN: Judge Horris, we are concorned with the following thing. In my opinion the presecution assumes that Dr. Haefliger actually was to retain his Swiss citizenship in order to be able to have certain advantages arising from this fact for the German Reich as this letter erroneously states. Now my question is directed to find out that this letter that is also signed by my client, wen der Heyde, in its form as it is before us, does not correspond to the truth but that it is only a false front — a camouflage — in order to conceal the fact that Dr. Haefliger didn't want to become a German citizen, and that that was the only reason why the letter was written, and it was not written with the purpose in mind of gaining certain advantages in the case of war

for Gormany because of the dual citizenship.

JUDGE HORRIS: All right, go cheed, I found it a somewhat difficult to follow the connection.

## BY DR. HOFFLIANN:

- Q. Dr. Haefliger, is it true that in this question that you were concerned with, you turned to Dr. Krueger?
  - A. Yos.
- Q. Are you informed about that fact whether Dr. Krueger commissioned von der Hoyde to deal with this matter?
- A. I didn't know to what agency he would turn and by whom he would have this matter settled. I didn't know won der Heyde at all at that time and I didn't know his position.
- Q. I have only one more question, Dr. Heefliger. If you would be kind enough to look at Exhibit 2016, that is the letter which von der Hoyde writes to you.
  - A. Vory well.
- Q. When you received that letter, did you have any objections or misgivings or were you quite sure that all this was to serve the purpose of complying with the request that you had expressed to Dr. Krueger.
- A. Yes, of course, Mr. Krueger told me, "Let me handle this matter in my own way. I am going to push this through." And then I heard that wen der Heyde got the mission from Krueger and then he was describing his method to me and I said, "Very well, he can handle it. I don't went to interfere in his affairs at all."

THE PRESIDENT: Anything further, gentlemen of the defense. Now, just a moment. Let's have a clear understanding now. Are there any of defense counsel who are in the position of not being able to examine this defendant because of a lack of opportunity to study the documents? I mean now I am talking about this particular incident and not about any procedence in the future to commit you gentlemen. But if there is any member of the staff of defense counsel who feel under a handicap to ask for a postponement or for some other arrangement with reference to the examination, we want to afford you the opportunity to say so now so that we know we have not cut off what you regard as a substantial right.

DR. VON ROSPATT (Counsel for defendant Krauch): We have not yet had an opportunity to study the documents for the defendant Krauch and I ask that we be given an opportunity to ----

THE PRESIDENT: Are there any other besides Dr. von Rospatt? We have single evidence now to deal with here. Just a moment until can confer.

DR. SCHUBERT (Counsel for defendant B uergin): Mr. President, I have not yet had an opportunity so far to study the documents. After a short survey, however, I hardly believe that I shall have to ask the witness any further questions but, in order to really be able to study these documents. I want to formerly reserve the right to do so later.

THE PRESIDENT: Very well. Now, you two gentlemen who have just addressed the Tribunal are asked to very promptly and speedily determine for yourselfs whether or not you do wish to interrogate this defendant. By that I mear familiarize yourself with these documents and by the morning recess, ten thirty tomorrow, please give us a report and confer with us in chambers about it so that we will have a definite understanding.

Now, may I ask you now if you two gentlemen have all the documents you are concerned about?

Hr. Prosecutor, can you help these two gentlemen to see that before the day is over they have these documents?

MR. SPRECHER: Yes, and since Dr. von Metzler is through I think they can borrow his copies also, but we will ge glad to help.

THE PRESIDENT: In other words, we do not want a re-occurence of this because of the lack of documents for these two gentlemen.

DR. VON-METZIER (Counsel for defendant Haefliger): I am afraid I have not a complete set of these documents. Thrus are missing.

THE PRESIDENT: We will expect the Prosecution to see that the two gentlemen are supplied with the documents before the close of today's session if you can, so they may have them overnight. Can you do that, Mr. Sprecher?

IP. SPRECHER: Well, three of the documents, I don't think, have been processed and, of course, we can't do that within an hour but I believe that, if nothing else, they can be loaned from the Secretary upon the initiative of the defense counsel which is the usual way to handle that type of situation.

THE PRESIDENT: We will put it this way. We will ask counsel for other defendants who have the documents, the Prosecution and the Secretary to cooperate and to see that these gentlemen have an opportunity to get the documents before night.

Mr. Haefliger, you are now occused. Pardon me just a moment; the Prosecution may have another question.

LR. SPRECHER: Just one or itso questions.

#### RECLOSS EXAMINATION

#### BY IR. SFRECHER:

Q Dr. Haefliger, I would like to refer just for one moment to Prosecution Exhibit 2002 which you have before you as NI-14503. That was the file note of Mayor-Wegelin concerning the handling of the organization in Austria during his absence. You just talked about it. Now, it is mentioned there in "that agreement concerning the acquisition of stock between us" -- and then there is a parenthesis "(Director Dr. Fischer)". Is that the Dr. Fischer who in 1938 went into the Reichministry of Economics for certain purposes in any event?

A I don't know whether Dr. Fischer had this position at that time.

It is the same Fischer. He was in Vienna at that time where he was on business for Farben.

- Q That is Errst Rudolf Fischer; is that right?
- A Yes.
- Q Thank you. Now, concerning the last three documents you were questioned about on redirect examination, those that pertain to your citizenship, I have one question. You have testified that you had a personal objective that involved the Reich authorities for Dr. Krueger and others involved. My question is this: do you know of any other case

where one had a personal objective involving the Reich authorities before 1939 in Germany where the authorities were addressed in terms of the eventuality of war in order to obtain the desire from the authorities?

DR. VON METZIER: Objection, Mr. President.

THE PRESIDENT: The Tribunal is of the opinion that that matter is too remote to have sufficient probative value to justify the question. The objection is sustained.

IR. SPRECHER: No further questions.

THE PRESIDENT: Dr. Haefliger, you are excused from the witness stand but subject to the orders of the Tribunal about being recalled if we find it necessary.

DR. VON METZLER: This, in. President, concludes the case of Paul Haefliger except for a few documents which I will submit as part of the supplemental book.

THE PRESIDENT: Thank you. I am just advised by the Secretary that the rules of his office by which he feels bound require formal order of the Tribunal to allow any of the files in the archives to be taken away from him. We do not want to issue such formal order unless it becomes necessary and if you can solve this problem without calling on the Secretary to surrender his official files overnight, please try to do it and if such an order is necessary I will personally stay about my chambers a little while after adjournment to make sure what the situation is.

IR. SPRECHER: We did have two photostatic copies in each case of those three documents and I know that either Dr. von Metzler or the defendant Haefliger were given those copies. Now, if they have them that will help us out without bothering the Secretary.

DR. VON LETZIER: I think my client got these photostatic copies and has passed them on to Dr. Schubert, defense counsel of Buergin, in order to enable him to study these.

THE PRESIDENT: That solves 50% of our troubles, the, if Dr. Schubert has them. Very well, we will take no more time on this but report to me personally, gentlemen, if you have any more trouble in getting them

The defendant Ilgner may resume the witness stand.

#### MAX ILGHER - Resumed

## DIRECT EXAMINATION - Continued

BY DR. MATH (Counsel for defendant Ilgner):

ODr. Ilgner, at the end we discussed the book contributions. We now turn to a new chapter, the subject of the Central Finance Administration, of liaison men, the Farben liaison men and assistants. The Trial Brief on page 58 deals with this matter. Although you or your plant were competent for this subject, I am going to confine myself to a very few questions since other witnesses have already talked about this subject. For that reason I think we can be very brief. I make a distinction first. How were the Central Finance liaison men appointed?

A It should be the Central Finance Confidential Agents, under Professor Selck's chairmanship in Frankfurt on the Hain in the meeting of autumn 1931 after the British pound was devaluated.

Q What was the result of this meeting?

A At that time in 1931 a whole number of Zefi confidential agents were appointed. First of them was the Jewish representative of the Chemicals Combine, Wilhelm Roth, representating five countries that he had to take care of — Czechoslovakia, Austria, Roumania, Hungary and Jugoslavia.

Q For what period of time did Mr. Roth remain as a Zefi confidential agent?

A Mr. Roth remained formally until Austria's ennexation in his capacity as Zefi confidential agent, actually until his arrest in 1936 in Budapest.

Q Why was Mr. Roth arrested?

A In connection with the safeguarding of Farben's business interests in H ungary Mr. Roth was arrested. Questions of foreign exchange
control were concerned. There were so many paragraphs and regulations
about this subject that even the most hones person as was Mr. Roth could
get in trouble. Furthermore, I had the impression that during his arrest
in Hungary personal factors of the H ungarian agencies were contributing
motives.

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- Q Dr. Ilgner, were those Zefi confidential agents -- and later the Farben liaison men -- appointed; and your assistants -- were they appointed in the business interests of Farben?
  - A Only for the interests of Farben's business alone.
- Q What brought about the extension of the functions of the Zefi confidential agent and what changed these functions into Farben liaison positions?
- A Originally these were only financial questions, of stabilizing the currency, for which the Central Finance Administration was compotent; but then in an ever-increasing measure, questions of promotion of exports and industrialization that is to say, industrial projects were included for which all of Farben were in this case the commercial departments responsible; that is, the Commercial Committee, the KA. For that reason we had the Farben liaison men and not Farben confidential agents because the other sales people would have become jealous.

Q Thy word the Farbon liaison men given assistants?

A For two reasons: for reasons of time the Farben lisisen men sold his goods and for that reason his time was taken up almost, completely, and he had vor; little time for these general financial and industrial questions. But there was a factual reason. I said already that the Farben limited men was a sad esman, that is to say, he had not learned how questions of currency, credits, and economic problems were treated.

"e didn't have the training for that; he was not annexpert.

Q. Thy did the assistants and Farben lielson man belong in the department of Berlin N $\stackrel{>}{\sim}$  7?

A Your question is not quite correct. The Farben liaison men were only in the department of NW 7 when they were concerned with the smaller function they had to take care of. But the assistants exclusively were competent for financial, industrial, and economic problems. And that was the department of competency of NW 7. For that reason the assistant was a member of NW 7 completely, one hundred percent.

Q Were there many assistants?

A In 1938, shortly before I became ill, very many were in training but only a few of them had been sent out. Then I became ill and the war intervened and that made the whole business superfluens. The nen employed somewhere else. They were drafted into the army; some of them left Farben.

Q Were there special reasons why some assistants left Farbon altogether?

A Tes, there ware special reasons, but in each case they were different. For instance, Mr. von Humbeldt was in Mexico and the Foreign Office demanded his resignation of his general attitude. He was an assistant of Farbon limison man Fischer in Mexico City.

Then there was a Prinz zur Lippe. He was an assistant of a Farben liaisen man in Paris. "e married Princess Juliana of Helland, and then he left previously he had been working in Amsterdam.

There was enother man by the name of Newbacher, whom Geering appointed mayor of Vienna. Then he left.

Of That is enough. A few more questions about the frequently mentioned reports of Farbon limison men. Tell me what brought those reports about, and what were the contents of these reports?

many sales agents reports. In every of these reports there is a general introduction, and according to the talent and the interest of the agent this introduction was more or less intelligent. These general reports about the everall situation were later consolidated by the I.G. Farbon liaison man. They wrote their own stories into these reports, and all these things we needed in order to make arrangements in time in our fields of currency stabilization and financial questions. I must say now, however, that since I didn't read these reports fermerly that the standard of these reports was not very high. They were just newspaper articles that these people copied; some of them were a little better, but the reports exist one can read thom and find out what they contain.

Q Die these reports also contain a paragraph about the political situation in the country concerned, and if so why?

A Tes, they also centained a paragraph about the political situation. Only a few examples will be cited here. In Sweden there was an intention of building a nitrogen plant. That was interesting for our nitrogen people because of the sales. The Agrarian Party was for it and the Conservative farty was against it. One therefore had to know who has the decision in leadership at the moment. Or, for instance, in the case of currency questions, liberals were for devaluation and the conservatives were against devaluation. In the case of tarrifs and customs, one party was against it and one for it, and therefore if one wanted to take measures and steps in time one had to know what was going on, what was coming off. Wrong decisions are costly, Dr. Nath. I believe you have said something about that in your opening statement.

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Q On page 91 of the trial brief it is stated that the reporting system of the Farben liaison men began only from the moment when you made your trip to South America, is that correct?

A That is incorrect for two reasons. For one, Farben liaison men did not exist until one year later, that is 1937. And, secondly the reports, for instance of the East Asia representative conference existed already one year before that. But already before the first World War, the Farben agents sent their general reports, as I have already stated, and that is customary all over the world.

Q In the same place in the trial brief it says further that these reports also contained a paragraph about military affairs. I ask you: Did you or your associates give such instructions?

A No, such instructions were never is sued, and such paragraphs didn't exist in these reports. 't may have happened in connection with some powder project, etc, but generally these paragraphs did not exist.

Q In connection with the foreign correspondence of Farben with your South American representatives during the war, on page 69 of the trial brief the exhibit 897, Book 46, page 118 of the English and page 175 of the German is mentioned, Can you briefly say somethin about this exhibit?

A I can't remember ever having seen this letter previously. This is not a memorandum of the German ambassador in Argentina, as the Prosecution contends, but this is an efficial instruction of the German Foreign Office in Berlin, signed by the envey Morath. These instructions were issued to all German export firms interested in the South American business and also to Farben. Farben had no influence in the drafting of the contents nor on its form of this official letter. It is an official instruction which was only for information.

Q A new subject entitled, "Support of the Press Friendly to Germany". On page 41 of the trial brief-excuse me. It is the indictment, on page 41 of the indictment there are statements about this assistance that was given to the press friendly to Germany by Farben.

What can you say about that?

A There were definite regulations and provisions about that in the Third Reich, aspecially the foreign organization of the Party supervised these activities. I have already mentioned briefly that on my South American trip in Argentina there were scrious complaints raised against the firm of Bayer which did not comply with these instructions.

Q Did Farben comply with these regulations? What did you do . personally?

A I will give you one example. It is not very interesting. In the case of the Bayer firm in Argentina I discussed certain things with Mr. Duerfold, the deputy of Mr. Hohmann. Ho told me the reason for the complain. "e said the druggists and physicians were mostly Jews, and they don't read those papers friendly to Cermany and Bayer could not act differently on account of its business interests. And in order to appears the Party we gave the La Pata newspaper a few advertisements.

on page 58, the transoccan subject is mentioned. The Prosecution says that you were a member of the Ausichtsrat of the Transocean news agency and it brings this in connection with the letter, already mentioned, of Mr. Schwarte to Mr. Benzler. That is Exhibit 790.

I ask you, when did Mr. Schwarte write his letter to Consul General Benzler of the Foreign Office?

- A In January of 1936.
- Q When did you become a member of the Aufsichtsrat of the Transocean?
- A Approximately seven years later, in 1943, during the war.
- Q Why did you become a member of the Aufsichtsrat?
- A This had completely escaped my memory, the fact that I was in the Aufsichtsrat. Farben owned a very small compulsory share in the Transocean enterprise which was transferred; I don't know to which agency. 't was desired from official agencies that Farben, just as other big firms, abould send a representative to the Aufsichtsrat of that

enterprise. Since the press department was part of my function, I was sent into the Aufsichtsrat.

- Q bid you take care of your functions in the Aufsichtsrat?
- A I did not .....
- Q Er. Ilgaer, will you please be kind enough to make a slight pause after my question?
- A Yes... Well, I didn't take care of these functions at all.

  I commissioned the chief of the press approxy, Mr. Mario Passarge, but he didn't take care of it either, and he in turn commissioned has assistant, Welfftrader, and that person went there every year one time, looked at the books and that is all. He didn't bother about that job at all.

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- Q. I turn to something else. In the trial brief and in the documents of the prosecution, your trip to Scandinavian countrils undertaken in '33 plays a certain part. Tould you please briefly give no the history and the background of this trip, and first of all, the automobile part of this trip.
- A. In 1931 I entered the advisory counsel of the German Automobile Club of Germany at the suggestion of one of the four vice-chairman, . Geheimrat Freiherr von Frandenstein. In 1932, the president of this Club, the Duke of Hecklenburg, Lade no also vice-chairman of that club.
  - Q. What was the reason for your entry?
- A. Very sound business considerations. Generat Bosch in 1931
  was very much concerned about the continues press attacks against the
  Leuna gasoline; especially in 1932, the Mazi press also, and especially
  the Veckischer Books; hter, attacked. Behind these attacks the
  automobile industry was concealed because they were afraid that the
  introduction of synthetic gaseline would mean high prices and that
  would have meant a stoppage of the notorization, and that would have
  been bad for their business. A friend of Generat Bosch's, Herr von
  Lersner, recommended that Generat Bosch get in touch with the
  automobile industry and he recommended Herr von Brandenstein, with when
  he, Lersner, was also acquainted. Generat Bosch talked to my
  colleague, Dr. Schneider, and Dr. Schneider talked to me because I
  lived in Berlin and Herr von Brandenstein also lived in Berlin. I
  talked to Herr von Brandenstein, and that established a contact.
  - Q. What was done to help the Loune gasoline project?
- A. All, sorts of things. Amongst other things in 1932 we organized a propaganca drive through Germany organized by Leuna, which of course was pulled along somehow because of the foreign exchange situation at the time.
  - Q. You said in 1932?
  - A. Yes.
  - Q. Was there anything done later in that connection?

- A. Yos; after this demostic drive through Germany already in the autumn of '32, we decided in the automobile club that in '32 also we would organize a drive through the industrial sectors of Germany.

  Liy wife told me that in the "Svenska Degbladet who is Swedish she had read that the British Federation of Industries had invited Swedish industrialists to come to England to undertake a trip and to inspect the British industrial plants. I told this fact to my president, the Duke Adolf Priodrich, and he said, "We can do that too." That is to say, he was in favor of this idea. Thus we invited foreign business associates with when we wanted to do expert business to come to Germany.
- Q. Dr. Ilgner, in the meantime, however, in 1933, the Mazis seized power. Was the Automobile Club of Germany nevertheless resolved to execute this drive through the industrial territory?
- A. Now more than over. We wanted to emphasize that we industrialists would subsequently desire international cooperation. We were against exaggerated self-sufficiency. At that time we had the world depression. In my welcoming address to the foreigners, I, myself, coined the phrase, "We are all in the same beat."
- Q. Who was invited to participate in this drive through the industrial regions?
- A. Leading economists and industrialists of the European countries, amongst whom were a large number of Jews who actually econo; for instance, from Hungary, His Excellency Fueloop-Weiss, whom we shall deal with later in the case of Lustria; Koloman Erwin Quittner, Fettner Hazy, etc.
- Q. Did the Automobile Club of Germany at a later time organize any other trips of a similar mature?
- A. Yes, a whole number of them, but they didn't last as long.

  Ifter my return from the Scandanavian countries, I suggested, for instance, to invite Scandinavian newspaper men to participate in an inspection trip all through Germany. These trips aroused the displeasure of the foreign ministry and were forbidden to the automobile club at a later time. After the 30th of June 1934, I resigned all of my offices

in the club, and shortly thereafter the Automobile Club of Germany was dissolved.

- Q. What became of the members of the Automobile Club of Germany?
- A. Under their old chairman Duke Adolf Friedrich von Necklenburg, they founded a foreign club which emphasized international good will.
- Q. Did you make use of this foreign club in order to execute your ideas about cooperation in the future?
- A. Yes. When, for instance, the business acquaintances of Farben, bankers and industrialists, were invited at the occasion of the Olympic Games in 1936, the foreign club, the suslandsklub, was also rade use of to a certain extent and during the Kieler Weehen, about which much has been said in 138 and 39, it actually carried the burden of the entire trips.
- Q. I want to come back to your Scandinavian trip that we already mentioned during the discussion of the F-circle. Please give a few brief words about the reason for this business trip.
- A. A few months after the devaluation of the dollar, in the spring of 133, the effects of the devaluation of the pound were beginning to be felt. The new trade policy of England towards Scandinavia was becoming felt. The famous Scandinavian coal agreements of 1932 went into effect. I was informed about these secret contracts by Swedish friends. These were secret agreements. The clause of the most favored country was evaded by this contract, and this endangered our business and our exports. The difficulties arising from the insecurity of the currency and also the exporting difficulties resulting from the foreign political situation—these things had to be discussed with the Farbon representatives, the ZEFI confidential agents by Farbon and also discussed with the bankers and so on.
- Q. Dr. Ilgner, it's interesting perhaps to know what nationality these ZEFI confidential agents in the Scandinavian countries had at the time. Would you please tell me that quite briefly?
  - A. In my recollection, they had already been appointed in 1931: 9474

in Denuark, one Norwegian, Mr. Kocmild; and one Swede, Mr. Billig; in Norway, there were two Norwegians, Otto Palkenberg and Edin; and one Gorman, Mr. Pilling; in Sweden, there were two Swedes, Henrik Sevensson, and Herbert Lickfett. There was one confidential agent and one or two representatives.

- Q. Dr. Ilgner, please tell no quite briefly the contents of your discussions that you had on your Scandinavian trip and who participated in this trip?
- A. My assistant, Guenther Schiller, participated, in the trip, and Gattineau, as the chief of the Economic-Political Department; and the ZEFI confidential agents of each particular country participated.
- Q. Wore all those things measures that you undertook in the business interests of Ferben on this trip?
  - A. Mithout exception.
- Q. At that time, if I remember correctly, there was an unfriendly sentiment towards Germany in the foreign countries. Did you express your opinion of those things under discussion at the time in the Scandinavian countries as well?
- A. I have the basic principle that dirty lines should be washed at home, but the opinion of the industrialists, of course, I expressed with the necessary procaution in all kinds of press interviews.

  Furthermore, I considered the events that happened in Germany at that time as illness of infancy.
- Q. Do you still recall any intervious? Do you remember any, and if so, please tell me briefly about them?
- A. I had collected a whole folder. I turned them over to Mr.

  Funk at that time the F-Circle still existed who was an old newspaper man. He was interested in these interviews. The following example is striking. The leading newspaper in Sweden, the government newspaper—and Sweden was the most important country in the Scandinavian countries—was called "Sozialdemokraten." This paper had on its front page an article about an interview entitled, "Germany Understands that

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one has to buy where one ments to sell." But, Dr. Nath, I don't know if you ever gave an interview. Sometimes one is astonished to find that the reporter understood more than was said.

17 March -A-LU-26-1-Arminger (Int. Katz) Court VI - Case VI Did the Propaganda Minstery, or any other Nazi Agency, cause you to give these interviews? Mo, that was a business trip for Farben arising from the necessity of Farben's own business. Q. I turn to a new subject, the Kieler Wochen, on page 61 of the Trial Brief and 100 a. In these passages of the Trial Brief there are certain performances mentioned that took place during the Kieler Wochen. Would you explain what these Mieler Wochen are? They are sailing races, just as they took place in England on the Isle of Thite. They took place before the First World War every year in Kiel in June. What do these organizations have to do with the Kieler Tochen that the prosecution mentioned? A. That was only the outside frame. One must distinguish between the meeting in 1934 of the Kieler Wochen and the meetings in 1938 and 1939. In 1934, the industrial drive of the Automobile Club of Germany through the industrial region was continued. It was a good-will action and leading personalities of European countries participated, including Berlin ambassadors and envoys. Q. Do I understand you correctly that you said that the Kieler Wochen in 1934 was the same thing in its nature as the drive through the industrial region in 1933, is that correct? Yes, basically. However, there is one essential difference. During the drive through the industrial region, the AVD was leading. During the Kieler Wochen in 1934 the Reich Sport Leader was called in by the party at the last minute and he took over. Q. Did the character of this whole thing change in any way? A. Not basically, but the standards were lowered. The business manager of the AVD at the time, Admiral Klarisch, and I had serious differences of opinion with Mr. von Tschammer and Osten who blamed us for the fact that this whole thing was not sufficiently national socialistic 9477

in nature. We told him at the time that the idea of this whole thing was to promote international qualities and that started the argument.

- Q. Please explain what was done at the Kieler Wochen in 1938 and 1939.
- A. These events were something entirely different. They were caused by the International Chamber of Commerce Congress in Berlin in 1937. In 1937 I was made a member of the International Committee for Foreign Trade and Currency in Paris of the International Chamber of Commerce. I gave a speech in Paris in the Spring of 1937 and at the Congress in Berlin I spoke to the full mesting about the methods of foreign trade. I can give you this little story about it:

After I had finished my speech to the full assembly the President of the Canadian Delegation approached me - I had spoken in English - and he said: "Congratulations I have been listening to your speech. It's too fumny You Germans say, "Planwirtschaft" and you subsidize your exports and we Canadians, we say, 'free trade', and we creet duty barriers." I talked to a few friends about this and said we must get together in a small circle. We are all talking past each other here; in such a large Congress you cannot do this.

- Q. What did you want to discuss in this close circle of friends, of industrialists, in order to achieve better understanding?
- A. To put it quite simply, I wanted to fix our language to state certain technical terminology in general and we wanted to introduce that also in foreign currency problems, raw material problems, money problems, certain exaggerated self-sufficiency problems, and industrialization.

  That is what we wanted to discuss.
  - Q. This event conducted subsequently?
- A. Yes, before that I had told Dr. Schacht who had called me to see him for reasons of Farben business and who wanted to repreach me about insufficient deliveries of foreign exchange of Farben. I asked him whether he would be ready to explain his opinion to us industrialists about these

Problems, for, after all, he was an internationally recognized expert for these problems.

- Q. Did Schacht agree?
- A. Yos, he welcomed the initiative, all the more, since personal friends of his, internationally oriented, experienced leaders of industry, for instance, Geneimrat Buecher of the AEG, Consul General Diehn of the Alkali Syndicate, also supported and accepted my suggestions cordially.
  - Q. Who participated in this event? -- A few names.
- I cannot give you all their names, but in order to give an approximate survey to the Tribunal who was there : From France, Mr. Tamery a former Governor, of the Bane de France. There was Leon Wenger. He was the President of the Petrofilla -- by the may, he is a Jew. There was Sir Anderson who came from England, a leading shipping expert. Sir Olaf Hambros, he was the No. I Banker of the Ambros firms, Sir Guiness, another well known banker. From Sweden, Fr. Hialm Sten, the Director General of the Swenska Hardelsbanken and Herslow from the Credit Bank. From Norway, Erickst the Director General of Nork Mydro arrived and Sir. Thomas Fearnley, also of the board of Norsk Hydro. From Poland came Professor Klink. He is also a Jew. From Holland Crandish from the Crandish Bank. From Bruselles Solvay of Solvay Bruselles Enterprises came. From Switzerland the well known, Internationally recognized Professor Burkhard came. There were industrialists and bankers from Germany and Mr. Pietsch, the President of the Reich Chamber of Commerce who was an industrialist and Ministerial Director Berger of the Finance Ministery came at the request of Dr. Schacht. It was a privato circle.
  - Q. What was the evaluation that these people gave to this event?
- A. I believe I can say that they were very much in favor of it and the statements of thanks which included their convictions show that and, Dr. Nath, men of such stature cannot be surung along by alleged espionage. They would be outraged if they would today be told that it was espionage, or perhaps, they would only smile.

- Q. Was the same event again conducted in 1939?
- A. Yes, it had already been arranged in 1930. The British and the French suggested melding it rotate. Unfortunately, the war interfered.
  - Q. Did you participate in 1939 yourself?
- A. Unfortunately, no, because I became sick. I heard that this entire affair was under the psychological pressure of the occupation of Prague.
- Q. The prosecution in its Trial Brief on page 61 says, I quote when talking about the Kieler Affair I quote: "German foreign policy was to be discussed and a broad policy of Farbon in connection with the Reich Government and the following Party directives was drafted." This is in reference to the Kieler Wochen in 1939. That do you have to say about this quotation?
- a. It is completely impossible. Its irrationality is shown by each individual fact, through many prominent highly intelligent foreign leaders of industry and through our documents, the fact that such leading international business men in such a tense foreign political situation should also talk about the foreign political events, is a matter of course. That has nothing to do with official foreign policy of the Reich Government nor with Farty directives.
- Q. The prosecution in its Trial Brief on pages 61 and 100 and 101 mentions Exhibit 779, Book 40 of English page 59, German page 74.

  This is a report of the President of the Reich Chamber of Commerce,

  Pietsch, directed to the Reich Minister Lammers about the Kieler Wochen.

  Did you know this report?
- A. No, I read it here in Nurnberg. It was an attempt of an economist I said that Mr. Pietsch was an industrialist an attempt to warn very courageously. I quote; "That in the case of further arbitrary actio, of Germany, a war was unavoidable." That was quite a bit of criticism for the Third Reich. That was very courageous. The idea of Kiel was to prevent war and to maintain peace.

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- Q. I turn to a new subject, the deliveries of foreign exchange on Page 61-A of the trial brief, on Pages 61-A, 62 of the trial brief, the prosecution makes the assertion that: I quote, "Farbon by financing propagands and other Fifth Column activities all over the world with foreign exchange made available by Farben, Farbon had contributed further assistance to the promotion of the Nezi plans." The following exhibits are concerned, 822, 814, 825, 826 and 828, What can you say about those payments?
- A. The allegation of the prosecution is completely untenable.

  These payments were made as a result of official orders because of

  foreign currency control laws in Germany.
- Q. Dr. Ilgnor, the deliveries of the foreign exchange took place in the foreign countries, isn't that right?
- A. Yes, that is correct. It meant only for the forben a change in the form of the duty to turn over these foreign exchange amounts, necessitated by war conditions, a surronder that had been ordered by the government.
- Q. The presecution in that connection asserts on Page 61-A, of the trial brief, "These payments were not made in innocent ignorance". That can you say about that?
- A. Of course the authorities didn't think of informing private enterprise for what purposes the official German agencies in the foreign countries needed this money. That was an internal affair of the authorities.
- Exhibit 814 and then they say on Page 61-A of the trial brief, I quote, "On the 4th of September 1939 the Verstand approved a monthly loan of foreign exchange to the German Embassy in Mexico for the case of war".

  What do you say about that?
- A. It isn't the Vorstand at all. It is a local individual member of the Vorstand. Exhibit 814 is a cable of the Farben agency in

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Mexico directed to the Sales Combine Chemicals, an internal affair of Frankfurt. I assume that the director of the banking department formally informed the competent Vorstand member of this cable. The decision was made by the Foreign Exchange Control Agency. There was no doubt about that.

- Q. This concludes this particular chapter. I now turn to another chapter. <sup>1</sup> want to ask you a few questions about the Chemnico. On Page 63-A of the trial brief the prosecution cites a number of exhibits all referring to Chemnico. The following exhibits are concerned, 888. 872, 873, 875, 876 and 877. Chemnico is called a information agency of Earban, is that correct? Please explain what Chemnico was.
- A. I can only give you a picture of a small part of Chamico, that is the statistical department, which had the task of reporting about amonomic and statistical facts, but in an entirely different way than is contended by the prescention.
- Q. May I ask you to answer my question, what was the Chemnico really?
- A. To put it simply, it was a limison firm especially for technical tasks. I believe Dr. ter Meer has said a few things about it, it was an assistant in the execution of large technical tasks of Farben with the United States firms such as the Standard Oil, etc. but I am not an expert in this field. In this Chemnico there was also a statistical department.
- Q. Was this statistical department of Chemnico able to meke its own economy reports, that is to say to comply with special requests of VOWI?
  - A. As far as I remember, this dates back to 1929, 1932. I bt
    one time intended to get this some sort of accdemic standing, but I
    believe it was only a desire of mine. It was a clipping agency for
    newspaper articles, a glorified clipping agency.
    - Q. Do you know about the type and the extent of the traffic of 9482

business botween Chammico and VOWI since 1932?

- A. Only superficially. During the latter years since my sinkhoss, since 1938, I cm not informed at all. It was a routine affair. Reitinger, the chief of VOWI was conducting certain correspondence with Chemnico, with the statistical department of Chemnico, just as he was conducting correspondence with many other statistical departments. I left it all up to him.
- Q. Dr. Ilgnor, I just montioned Exhibit 888. This exhibit gives a justification of the technical department in Ludwigshafen for the organization of Chemnico. This draft was destined for a conference of the ZEFI with the Reich Ministry of Leonomics. Can you tell me that the reason was for this draft?
- A. Yes, I can tell you very well. The Foich Ministry of Economics criticized in an ever increasing measure the high retainer that Farbon peid to Chemnico. Foreign exchange was scarce in Germany and one didn't went to expend it for an exchange for superfluous purposes. For that reason we had to prove. I know that one of my gentlemen in ZEFI was given the mission to conduct the negotiations. We had to prove that this would be important. We were supposed to reduce the retainer and send over less dollars, fewer dollars.
- Q. Dr. Ilgner, is it correct to say that the Chemnico, contrary to the prosecution's contention, didn't work in the interest of the Reich, for instance, for espionage purposes, if Farben had difficulties with the Reich Ministry of Economics to have it recognized that dollars be made available for the Chemnico?
- A. Your opinion is quite correct. It is not at all true. The Reich Ministry of Economics regarded the whole thing as a waste of valuable foreign exchange.
- Q. Does that also apply to the statistical department of Chermico, that is for that particular department which in the prosecution's contention constituted the valuable espionage agency?

- A. Especially for this particler agency, for the technical things made some sense. For that reason, in a long draft propounded by the technical department at Ludwigshafen, comprising four or five pages, only two and a half lines are devoted to the statistical department. If the Reich Ministry of Economics, or any other official agencies, had interested themselves in this small statistical department to the extent assumed by the prosecution, they wouldn't have written two and a half lines about it but two and a half pages. The contrary is true.
- Q. Did the VOMI, after the war broke out with England, but before the war with America broke out, maintain current contact with the statistical department?

A I told you previously that I didn't concern myself about routine correspondence, and, as you know, during the early part of the war, until the middle of 1940, I was not a plant manager because I was sick; but, during peace time already I had not done these boutine things myself and left them up to Dr. Reithinger and now more than ever during the war did I do so. I would assume, however, that in the same extent correspondence went on between the VOMI and the statistical department of Chemnico, as was customary between other American and German firms, also at that time, but that is an assumption, not knowledge that I have.

- Q Dr. Ilgner, you are repeatedly mentioning your sickness.
- A What am I talking about?
- Q You are talking about your sickness; will you please fix for the record from what time on you were sick and until what time so that your absence from Berlin may be ascertained.

A liy heart condition became acute at the end of 1938, December, 1938. At the beginning of the war, in the early days of September, after the war broke out, on the 6th of September, I came to Berlin. I was convalencing (not plant manager) until about the middle of 1940, when I again took over my full duties of a plant manager. In the meantime I was absent frequently, sometimes in Berlin, but I was not in charge of things because I had to be careful with my health.

Q One question in conclusion. Who was the president of the Chemico?

A Dr. Walter Duisberg.

DR. MATH: I have concluded this point.

DR. KRAFT: (Attorney for the defendant Oster)

Mr. President; may the defendant Oster be excused tomorrow from the session to prepare his Defense?

THE PRESIDENT: Yes, that will be satisfactory. The Tribunal will now rise until nine o'clock tomorrow morning.

(The Tribunal adjourned until 0900 hours, 18 March 1948.)

## NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 10

Target 2

Volume 27, p. 9,486-9,835

Mar. 18-22, 1948

Official Transcript of the American Military Tribunal in the matter of the United States of America against Carl Krauch, et al., defendants, sitting at Nurnberg, Germany, on 18 March 1948, 0900, Justice Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of
America and this Honorable Tribunal. There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honor, the defendant Heefliger is absent due to illness. Defendants Jachne, Wurster, Duerrfeld and Oster are excused by the Court.

THE PRESIDENT: Any announcements by counsel for the Defense? Any. thing from the Prosecution?

MR. AMCHAN: We have a very brief announcement with respect to some procedural matters before the Commissioner. As your Honors know, in the examination of witnesses before the Commissioner we had occasion to introduce various exhibits by way of documents and, since the hearings take place at the same time in many cases as the hearing of this Tribunal, we run into difficulty in continuity of exhibit numbers. Accordingly, we have taken the matter up with the Secretary General and he has given us a block of numbers well in advance. We have started with Exhibit No. 2300 before the Commissioner and we have a block of a hundred and we will maintain our own consecutive continuity with respect to exhibit numbers before the Commissioner, and I thought I should state this for the record so that when your Honors do read the transcript and you see the gap between the exhibit numbers before the Commissioner and the exhibits here you will know the reason why ARY

THE PRESIDENT: That would seem to be a good solution for your problem. You do not enticipate that you will need more than one block, I assume?

MR. AMCHAN: I hope not.

DR. LUMMERT (Counsel for the defendent Kuehne): Your Honors, I ask that the defendant Kuehne be excused from nine-thirty this morning. 2374

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THE PRESIDENT: That request will be granted.

MAX ILGNER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. NATH (Counsel for defendent Ilgner):

Q. Dr. Ilgner, yesterday we questioned you about Chemnico and we finished that subject. Today I wanted to discuss with you the Economic Research Department — abbreviated, VOWI. We find the necessary material about this in the trial brief, page 64. Please describe in a few sentences the origin of the Economic Research Department.

A. In the year 1927, as the sub-department of a finance department, an archive was founded which was later called the Economic Trohive or the Department 4 of VOWI. In the year 1928, Professor von Moellendorf, on the order of Geheimrat Bosch, made a trip to the United States in order to study the National Industrial Conference Board there and in order to see whether a similar institution might be useful and practical for German purposes.

Mr. von Moellendorf asked me in New York, where I was then as an assistant to Prof. Flechtheim, to participate in this trip. The problems interested me very much. In the year 1929 the old archive, as a result of the trip by von Moellendorf and myself, was expanded under the direction of Professor von Moellendorf into the Economic Research Department and they were aided in this by Professor Wagemenn who has been repeatedly mentioned — and he also furnished us with very able people:

Dr. Reithinger, Dr. Hunscha.

This friendly assistance of Wagemann can be explained by the fact that he himself was a good friend of Moellendorf and Schmitz and because he also saw some practical help for his own work in this and because Farben paid him a nice contribution for his institute every year.

In 1932 the expansion of the Economic Research Department had been basically concluded.

O. Dr. Ilgner, you mention the name, von Moellendorf. Would you

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please tell us briefly who Mr. Moellendorf was and how did you get to know him?

- A, I got to know him from the First World War. He was then a close collaborator and one could say the spiritual inspiration of Walter Brathenau. Later on he became State Secretary in the Social Democratic Cabinet, Ebert, under the Social Democrat Minister in favor of planned economy, an economic enterprise. Moellendorf was considered the spiritual father of a planned economy; not, however, in the sense in which the National Socialists later carried it out. He also became my teacher in Economics, especially during the time of the Bruening government from 1931 to 1932. I don't think that the expression would be exaggerated when I say that Moellendorf was an ardent hater of National Socialism.
- Q. Would you please tell me in a few words, very briefly, how this Economic Research Department was organized and what various tasks the departments had?
- A. I will just name four main departments: (1) General Economic Observation, questions of currency, commercial payments, et cetera; (2) Observation of the Various Provinces that is foreign states, too, foreign trade and domestic trade, economic policy tendencies, industrialization, et cetera; (3) Chemical Markets of the World, analysis of these markets, prognosis of these markets, special developments, et ceters; (4) Firms and Financial Archives, all large industrial companies and banks of the world, competitive firms of Farben, et cetera.
  - . Q. Dr. Ilaner, did you perticipate personally in the VOWI?
- A. I participated but I understood your question to mean whether or not I worked there, practically speaking, or whether I was just very much interested in it. Yes, it gave me much joy; foreign trade, questions of currency, industrialization, increase of the purchasing power, increase of the standard of living all those were my actual fields of interest, everything that had to do with economics, both domestic and foreign economics. I devoted a tramendously large part of my time to these problems.

- Q. What principles did you pursue in carrying out the practical orgenization of the VOWI?
- tect with economic philosphy; secondly, close contact with practical economics; thirdly, to do only that which was absolutely necessary in the VOWI and, furthermore, to base yourself on retainer conventions with institutes and foreign associates, and, fourth, the so-called 2-minute principle which means if someone asked anything one could immediately tell him where the information was to be found if one was not in a position one's self to give that information.

I would only like to give a brief commentary about the subject matter No. 3 — namely, to maintain only the most necessary material in the
VOVI. This explains why we had an agreement with the institute for market research, and with the World Economic Institute in Kiel, or with the
Statistical Department of the Chemnico or the School for World Economics
in Vienna, outside associates at home and abroad.

Furthermore, we had an exchange relationship with important economic institutes, statistical departments, again both inside Germany and abroad — for example, in Germany, with the Reichsbank, with the leading German banks and industrial enterprises which all had an economic research department, the statistical departments of the Berlin ministries and abroad, particularly large enterprises such as "National City Bank," "Imperial Chemical Industries" and "National Industrial Conference Board."

The principle was a mutual exchange of economic and statistical material.

COURT VI CASE VI 18 Har 48-2-1-H-AEH-Primoau (Loa)

- A. Dr. Ilgner, you spoke of the principle which we know from Roman law, "Do ut dos." That is in the relationship between VOHI and the Berlin ministries. Did the WOWI have any advantages because of this?
- A. Yes, of course. The WMMI needed for the business purposes of Farben and for the preparation of market analysis and marketing prognosis the statistical data in the ministries. This necessity became greater after 1933. It became greater because the generosity of statistics in the Third Reich was also limited. Less and less statistical data was published so that the possibilities of getting statistical material from the ministries assumed more and more importance for the WMMI.
- 9. With which official agencies did this contact begin and can you tell me at what time?
- A. Woll, that might have been shortly after 1929 or 1930, after the VOWI was founded, the way it developed. That was with Mr. Ritter, the later ambassador Ritter. He was then chief of the Economic Department of the Foreign Office. He was a friend of Mr. von Moellenderf and he himself had no economic research department of his own and the Reich Economics Ministry did not have such a department either. They all had to rely on the statistical Reich effice, but they were too slow, according to the opinion of Mr. Ritter, and in the case of urgent tasks he preferred to turn to the Reichsbank and to other banks and also to us for current problems.
- Q. That was the foreign office. Now, did any other government agencies use the opportunity to turn to VOWI?
- A. Yes, later the Reich Economics Ministry; that was in the year 1931. For example, when the World Economic and Reparations Conference was held in London, and this led, as is well known, to the Hoover Moratorium Geheinrat Schmitz was economic and financial advisor to the Reichs chanceller, Bruening. Geheinrat Schmitz was given the statistical material by VOWI and he took that along to London. In London it turned out, as Mr. Schmitz or Mr. Reithinger told me later, that the

and with them. Thereupon, Mr. Reithinger was requested by telephone to come and he went to London and took along more material.

- Q. Did the VOVII also draw up larger papers which treated economic world problems and can you name me a few?
- A. Yes, quite a number of them; for example, especially in the few years before 1933 I shall just name three: the Economic Elementary Comparison between the United States of America, England, France, Italy, Germany, a work of four volumes. It was published in the years 1929 to 1932. Secondly, a European work. At that time, the ideas of autorehy arose and in order to carry ideas ad absurdum we did this work on the question: "Can Europe be self-sufficient?" The answer was no. Third, in a Franch work, a work about France in which I participated especially intensively, the question that was asked was: "Is an economic union between France and Germany also an economic advantage for both countries?" The answer was "Yes." That was 1931 to 1932.
- Q. Dr. Ilgner, in the trial brief on page 64, the Prosecution claims that the VOIA reports were regularly sent to the Reich authorities. Is that correct?
- A. No. One could not say that, apart from the VOMI pocket calendars, these small calendars, the way we have them.
  - Q. Was there any contact with military agencies?
- A. Hilitary agencies surely also got some reports such as other authorities, but before the outbreak of the war there was no contact.

  This did not change until the war; but about the time before the war,

  Dr. Heth, you know I cannot give you any information because I was absent.
- Q. Did the reports of the WOTI, if they were asked for by official agencies, have to be furnished to these agencies or could Farben refuse to do that?
- A. No. No one could refuse. There was the obligation to furnish information, but it did not even occur to us to refuse that. It was to

our own advantage. We needed to do that because we needed the statistics from the official agencies. Furthermore, the VOMI, as I have repeatedly tried to explain, had the character of a public research institute.

- Q. Do you mean to say by this, Dr. Ilgner, that any body could at any time use the VOWA and its reports and look into them?
- A. Of course; anybody who was interested in it and who seriously asked for the information; it was no problem.
- Q. Purely arithmetically, did Farben have an advantage in this in view of the considerable expenses which such a specialized apparatus domanded?
- A. I think so. I would give you only one single example. One year before the devaluation of the U.S. dellar, the WOWI began to do work about the development of the dellar at my instigation. I made a special trip to America for that purpose at that time. At that time Farbon had an obligation in U.S. Dellars, equivalent to 100 million marks. These were accounts receivable at least, the risk was 100 million marks. No liquidated all these risks so that when the devaluation came they were practically zero, not actually. If Farbon had not done that then, like many other German firms, it would have lost more than 30%. That means more than 30 million marks. Shortly afterwards I not have Schacht who was at that time not yet a minister and he represented me because I did not tell the Reichsbank about this very clearly and they did not make such fortunate arrangements.

18 Mar 48-M-AJ-3-1-Ila Stowart-Loa Court 6 Caso 6 Q. This surely was a very laudable, but a unique accomplishment of the Vowi, but how about the continuous current work of the VOWI? Was this done in the immediate interests of Farten? A. Hundreds of them. I was myself surprised when I first saw all of those lists at Nurnberg, only the titles of almost all Farben agoneiss, commercial and tachnical with very few exceptions. They continually sent requests to Vowi in Barlin. DR. MATH: Market analyses and prognosis were the prerequisites for the avoidance of wrong dispositions, and, as I said yesterday, they cost money. For example, in the year 1934, we made a large Dyestuffs Market analysis about Eastern Europe, especially Foland. This report plays a part later on. ... and this report was continuelly supplemented. We made a market analysis for agfa, who wanted to expand their camera works at the time. We made a large market analysis about soft coal for devicetives, etc. Q. Dr. Ilgnor, did I understand you correctly when you said that the dyes market analysis for Poland was prepared in 1934? A. Yes, it originated at that time. It was the famous Folish work. That was the Friendship Convention between Germany and Poland --Q. I come to the contact between Vowi and the "rmements Staff Filsudski (We Rue Staff) that was made during the war. Since you, Dr. Ilgner, were absent in this decisive time, and were not chief of Berlin, NN-7, I just went to ask you a few general questions. Did you know the director of the Armament Staff (We Rue Staff), Dr. Thomas, parsonally, and if so, since whon? A. I got to know him personally around 1931. He was then a Captain, for his Excellecy Bocholberg and .djutant. Q. That was the Ordnance Office. ... Yes, he was the man who was the old Chief of the army Ordnance Office before 1933, Excellency Bockelberg. Q. Just tell us briefly what kind of a men Thomas was. 9493

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- A. He was very quiet, very objective, almost afraid, very reticent. He was an opponent of the Third Reich, and in my opinion he was expressly opposed to the war. I gathered this from a private remark which he made to me very much worried in the beginning of the war. I think 1941. He was full of anxiety.
- Q. Did any other people from the Armaments Staff (Wi Rue Staff) have any close, personal contact with men from your office?
- A. Of close, personal contacts I knew nothing until I got to Nurnborg. On the basis of the Exhibit 860, submitted by the Prosecution Book 47 ...
- DR. MATH: One minute, this is English page 51, Your Honor, in Book 47.
  - Q. Please go whend.
- A. This mentions the name, Dr. Formau, rather frequently, and from this I have been able to draw certain conclusions. Fernau maintained personal contact with his old University Professor, Hesse, with whom he had studied, and with whom he had passed his Doctor's examination, and who then became a Lt. Colonel in the arangent Staff of Thomas.

Forman was an Economist interested in Journalism, who shortly afterwards left Farben again, and who worked as a Journalist for the Frankfurter Zeitung, and went abread as a correspondent for them; as I heard, the personal contact between the "rmsmont Staff and this man were not known to Dr. Reithinger or to Dr. Krueger. I personally cannot say anything from my own personal knowledge, about this problem.

- Q. Ifter your return from your illness to the office of Berlin N.7, did you got to know about the private contasts between Fernau and the "rmmments Staff?
- A. No, this was wartime, and we had other worries. I was informed in broad outline, about the obligatory work of VOWI; the other stories were past history. After the middle of 1940, after I had taken over the office again, I had a list of all of those VOWI reports, which

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were made for the Armement Staff given to me every month. I do not think I got to see all, because some had to be kept secret.

- Q. We now come to the VOWI in Vienna, Trial Brief page 65. Here the Presecution introduces Exhibit 856 in Book 46, English page 126, German page 147, in which the Director of the Vienna branch of the VOWI, Professor Gross, in a letter to the Dean of the Law and Political Science Faculty of the University of Vienna states as follows: "Why the Branch Office of the VOWI in Vienna was founded". Will you please comment on this, especially about the question of whether the excerpt given by the Presecution, and the reasons listed therein for the foundation of the VOWI in Vienna, can be designated as correct by you?
- A. In principle, yes, only the main reason is missing, the proceeding sentence in the same exhibit, and I quote: "The immediate cause for the foundation of the Vienna branch, was the fact that Farben founded the Chemical Sales Donau, GmBH, just as the Donau Chemistry Company, which represented a consolidation of the Farben interests existing in Austria, and furthermore, "- and now cames a sentence which the Prosecution has chosen. Then it is correct.
- Q. On the same page, 65, of the Trial Brief, the Prosecution offers the Exhibit 858, Book 47, English page 39, Garman page 75, according to which Dr. Gattineau is alleged to have offered the services of the VOWI, Vienna, to General Gautier. What can you say about that?
- A. That is an obvious error. Reithinger has offered them.

  Gattingau is mentioned in the letter, but not in the sense mentioned by the Prosecution.
  - Q. and why did these gentlemen get in touch with General Gautier?
- A. Gautier was very helpful. He was very friendly to economy.

  He had to leave the army during the wer; he was anti-Nazi. That was in connection with the 20th of July, and at my instigation, he was supported, and he was given a collaborator's contract, which, however, was not carried out. It was too late for that.

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- Q. I would briefly like to discome with you the relationship of the VOWI to the National Industrial Conference and, as well as to some other institutions. In the documents of the Prosecution, the National Industrial Conference Board is repeatedly mentioned. What can you tell us about that?
- A. The oldest contacts were with the Reich Association of German Industries. Geheimrat Kastel spoke about this on the stand here. Geheimrat Bosch took his cue from there. He spoke about it in the working Committee of the Verstand in 1927, after his return from the United States.

Then came the trip of Moellandorf and myself, and the present history of the VOWI, or of the National Industrial Conference Board, was, so to speak, the model of the VOWI.

- Q. Did you, yourself, enter into close contact with the National Industrial Conference Board?
- A. The then President of the National Industrial Conference
  Board, Magnus elexander, who was well known to Moellendorf and myself,
  asked me to become a member.
- Q. Dr. Ilgner, could you, as a Gorman, just simply gain admission without any trouble? I must state I gather from the documents of the Prosecution that this National Industrial Conference Board was a secret, or at least an organization which was to be kept secret, in which, for example, representatives of the United States war Department took a place in the sessions.
- L. No, not at all. That was the most open affair I have ever been, of the Conference Board and Mr. Magnus "lexander. That is what impressed me so favorably in America, this matter of course, in which they informed each other, mutually.

18 March - M-LU-4-1-Stewart (Int. Lea) Court VI - Case VI You said they informed each other mutually. Is that true also for your contact with the National Industrial Conference Board? A. Certainly. Ir. Magnus was a very able business man. He know that Farbon was the largest German, - or the largest Continental Industrial Enterprise, with good economic information about industrial and economic conditions in Germany. The Matienal Industrial Conference Board received from us, and vice versa, everything that we had, any information they desired. That is how the mutual exchange came about beween the Mational Industrial Conference Board and VOII. Q. Was this contact maintained or continued after 1933 between those two institutes? A. Cortainly. There was no cause to discontinue it. Dr. Ilgner, do you have a few specific examples to give for the continuation of your friendly relationship to the National Industrial Conforence Beard? After 1933, Professor Trinanovitch of the Mational Industrial Conference Board, came to Germany and wanted to write a Book about Germany, and he also made a trip to Russia. I told the VOMI to give him all assistance for his book, on this trip, and finally, it turned out that the book had an Anti-Nazi tendency. In 1936, while passing through New York I visited Mr. Jordan the successor of Mr. Alexander, and I told him in great detail about my impressions of my trip in South America in 1939, - that is at the time when the political tension between Germany and America, especially because of the serious excesses against the Jews, was very great. I think it was in the spring of 1939, I received an invitation to come to New York, in order to attend the main Assembly or Session of the National Industrial Conference Board, and to give them an economic report, - to give a lecture. Since I was sick at that time in a sanitorium I had to refuse, unfortunately Q. Was there a similar contact or exchange of economic and statistical material with other institutions and firms in the United States? 9497

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- A. Yes, many. I just want to name the Statistical Department of the National City Bank. I do not know whether this contact with this statistical department was so close, in later years, but every year when I was there, until 1932, I visited them. In 1936 when I was briefly in New York I also visited Mr. Roberts, the Chief, I think his father had died then, I also reported to him about my South American Trip. I would like to say that these are not all the examples I could mention. In 1928, Moellenderf and I visited a lot of other people, the census or statistical department of many large firms. We went to Sears-Roebuck, we visited Mr. Julius Rosenwald and looked at his facilities.
- Q. Not so fist, Dr. Ilgnor. We cannot keep up. Please speak a little more slowly. So these are the contacts with firms and institutes in the United States. Please briefly tell us whether there was a similar exchange with institutes and statistical departments of economic enterprises in other countries?
- with them, but I assume such exchange relationship existed in almost all large countries of the world.
  - Q. Also with expressly competitive firms?
- A. Yes, absolutely. I recall one example, in 1935, after the return from my East Asia trip, I was in London, and I visited the directors of the ICI and teld them about my impressions, and on that occasion I maintained continuous contact between the VCMI of I.G. Farben and that of the ICI. Those were with Sir Coates and Trotter. Trotter also came to Berlin and visited us, and even though we were friendly competitors, we had many joint interests with ICI. I am thinking particularly of the nitrogen field, the so-called GEN Group, that is Germany, England and Norway, where we had very close contact.
- Q. Dr. Ilgner, two concluding questions to this chapter. Did the VOWI ever receive an order from you to keep cortain materials secret, or only to make it available to cortain agencies with your personal permission?

- A. No, that nover happened, At least not until the outbreak of the war, and never at my instigation. VOIT was an economic research department, which was available to anyone in the whole world who was interested in it. Of course, every firm had so-called business secrets, and one is a little more discreet about them. These are business questions. What happened durin the war I do not know, and I need not go into that. These rulings about keeping materials secret were routine matters and a leading executive could not concern himself with it.
- Q. The last question now. Did the VOIA carry on espionage, which served the preparation for war?
- A. It is difficult for me, Dr. Nath, to give a calm enswer to this, but I shall try to be objective. I omphasize, with all emphasis, NO. My whole conduct and thinking and striving, as we shall very clearly prove, was just the contrary. It served the understanding between peoples and the maintenance of world peace. VOWI was one means to an end in this; it was an instrument of peace.
- Q. I now come to a new chapter the economic policy department and briefly, the "TPO, Trial Brief Page 66. Then did the TIPO become subordimete to you?
- ... Since the last half of 1934, practically speaking, after my return from East Asia; that was in 1935.
- Q. To whom was the MIPO subordinated until the second half of 1934? That is, before that time.
- A. It was immediately subordinated to the Contral Committee, or to the man appointed for this, Professor Selek, who was designated for this by Geheimrat Bosch.
- Q. And why, after the second half of 1934, was the MIFO subordinated to you?
- A. Bucause of the events of the 30th of June, 1934, Dr.

  Gattineau had run into very great personal difficulties. He was to be shot

  by the Gestapo. After his release, Professor Solck, demanded the incor-

poration of the MIPO, and also of the Press Office, into the Agency in Burlin MT 7, and there was the subordination of Gattineau to me.

Those were the only two departments which I had not founded myself, the personnel of which was, therefore, not selected by me.

- o. Dr. Ilgnor, why was the MPO founded at all?
- a. The NT.O, which was founded in 1932, that is in 1931, or in the beginning of 1932, there was already an economic policy section in the Press office. It was founded at the desire of Geheimrat Bosch at a session of the Working Committee, during the time of the economic crisis in Germany, first of all, in order to avoid a clash in the representation of Farben interests to the authorities, and especially in the field of commercial policy interests, expert questions, customs, quotas, etc.
- Q. Dr. Ilgner, is it correct then to say that the subordination of WIFO to the Central Committee, after the second half of 1934, was not necessary, and was dropped after you took over the WIFO?
- Q. Not in so far as Geheimmat Bosch already in the year 1931, designated Professor Selek as a member of the Central Committee to exercise a general supervision over the entire organization, namely Farben in Berlin NW 7 this function continued to exist until Professor Selek left in 1938. Furthermore, Farben Berlin NW 7 was an auxiliary organization, and as a result, it was in a certain relation to several other members of the Central Committee.
- Q. Dr. Ilgner, would you please explain this a little more closely? What do you mean by a certain relationship of MIPO, not of WIPO, but of the entire organization, Berlin NW 7 to some other members of the Central Committee? What do you mean by that?
- A. I can be very brief about that. In view of the Central
  Finance administration's relation to Geheimrat Schmitz, as the leading
  financier of Farben, in view of the relation of Office of the Commercial
  Committee to Mr. von Schnitzler, in his capacity as the Presiding Officers
  of the KA, in respect of the Legal Department in NEW 7 to von Knieriem,

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and in respect to general questions, as had already been mentioned to Frofessor Selek, but I would expressly emphasize that this does not affect my own responsibility which I had in cortain duties or transactions, or which I caused myself, as head of the office in Berlin MI 7.

18 Mar. hbk-0-J-5-1-Schwab-(Lea)-Court 6 case 6 Dr. Ilaner, the Prosecution mentions in the trial brief, page 66, Exhibit 842, Book 46, English page 96, German page 114, the record No. 73 of the 10th of August 1937, in which you mention that the WIPO had the sole responsibility for the contact, of Farbon with the official agencies. Was this correct in this form? A Mo, this was only correct with reference to certain business tasks which I have already montioned, especially customs, quotas, otc. But since at that time the authorities always interfered more and more in private business, the form chosen by me was over-emphasized in order to avoid a confusion. The WIPO was ignored too much at that time. Q Could you give me a few examples with which authorities within JM 7 there was any contact? - Yes, I will name only four examples. The Central Finance administration maintained contact with the Reichsbank, but also with the Reich Economic Ministry, that is, the Foreign Exchange Control Department, and also with the AO, about the question of foreign exchange, stc. The maintained Logal Dopartment with the Finance Department or Justice I epartment, if special questions arose; the VOMI for example, with the Statistical Reich Office. And, has already been mentioned, with the Statistical Departments of the various ministries, associations, etc. The Fress Cifice with the official pross organs, to the Roich Pross Office, stc. Q We won't to make this very clear. Mere there departments of Farbon in Berlin which maintained contact-or which had to maintain contactwith the authorities, but which did not come under jurisdiction of Horlin Nº 7, and therefore were not subordinate to you? A Thorn were many departments which did not belong to my office and which still had to maintain current contact with the authorities. I mention just three: The Vermittlungsstelle W, which, for example, in technical questions maintained contact with the armaments ministries and military economic agencies; or the Central Purchasing Office, which for example, maintained contact with the price control agencies; 9502

or the Department A, which had to maintain contact with the OK. Counter-Intelligence Tepartment.

- Q Did Mr. von der Heyde belong to the management of the WIP'S?
- A In no way. After 1939 he had an elevated position. he was head clock on the basis of his excellent achievements as an agrenomist. There were only seven of such men in the VIPO; there were even seven. And in all of Berlin No/ 7 there were even thirty; and within all of Farben there were several hundred.
- Of Fr. Ilgner, the Presecution mentioned in the trial brief, page 67, an affidavit of Dr. ven der "cydo. This is Exhibit 164, Book 29, English pages 68 to 70, German page 89. I would like to quote the following sentences from it, and I quote "These reports which were sent to I.G. Berlin M. 7 usually came from the office of the Commercial Committee to the office of Dr. Ilgner, and from there they were generally passed on to me"—that is, you der "cyde "for distribution."

Is that correct?

A No. Mr. vonder Heyde evidently made a mistake here, the affidavit which he made out here in Mucroberg. Ar. von der Heyde, before
1940, had hardly any direct contact with me, but as far as these
se-called monthly reports of the limited people are concerned, the
department to which ir. von der Heyde belonged was not even competent
for that. That was a matter for the BDKA, office of the commercial
committee. I personally—like all other leading business men-received
excerpts mestly of these reports through the BDKA. The WIPO, too, like
all other departments of NW 7, received a copy for its information.

Q Dr. Ilgner, then I must tell you that the Prosecution trico to prove the contrary on page 67 in the trial brief. It has reference there to exhibit 420, Book 49, English page 12 to 13, German page 27. This is a recert of a mailconference ho. 83 of the 7th of December, 1937, according to which Dr. Gattineau reports about the requests of State Secretary "eppler to receive reports from Dr. Neubacher. Would you please content on that?

A well, I see no contradictory evidence and I see nothing unusual in this, an occasional desire or request of a government official to a gentlemen he met. And this gentlemen here, Mr. Gattineau, passes this request on in the mail conference. That is very normal.

Q Dr. Ilgner, in order to understand this better, Dr. Gattimeau was then in the WIFD, is that right?

Lefthe UTFO; I think he was still that at the time. I think that was just the time when he left.

Q I shall leave this sector then, and I shall briefly discuss a new subject matter, the Bureau of the Commorcial Committee, the BDKA in abbrevaition. We have already heard that the reports of the Parben liaison men fall into the field of the EDKA. How did the EDKA criminate? I would be grateful if you could tell me that, briefly.

A Priginally Office of Gehoimrat Schwitz, in 1926—later it had soveral designations—until the 20th of August 1937, when on the occasion of the reorganization of the old KA commercial committee it came to be called HDKA, Bureau of the commercial Condition. The latter happened because of the necessity, namely the reorganization of the KA, for a regular contact between the leading businessmen of Farben because of the more severe interference increasing interference, of the official government agencies into the overall business life of Farben.

Q was the Commercial Committee the Last and finally decisive agency for commercial matters?

It was marely a form to discuss know-how and exchange experiences recommendations of all kinds, the sovereignty of the sales combines remained unaffected by it. For the business namagement as such—and I have already talked about this when I mentioned the by laws of the Vorstand —there were other agencies. It was the strictest principle of decentralization which we believed in. I.G. remained I.G. that is, community of interest—and not a firm in the actual sense of the word.

I.G. was too large to be one firm.

Q Please give us the tasks of the POWA, in a few words.

secretariat, the mail of all work. The important functions, that is the preparation of the HDKA sessions, and preparations and distribution of the transcripts, Participation in foreign negotiations about industrial projects, handling of problems which alone were not attractive enough for one sales combine. A typical example was the Skeda Wetzler Works, which hr. Roth therefore sent on to Borlin NW 7 in 1932. Furthermore, generally speaking, efforts to crient commercial and financial Firben interests abroad through the I.G. Maison men.

The PDKA was the leading agency for carrying on correspondence with the limited men. Furthermore, the BDFA had the function of a score-tary for the East Asia committee and the Southeast European Committee. There are still a number of other routine matters, but I have mentioned the most important ones.

a new subject. The heading is "Procurement of information." trial brief page 67. After treating the subject just mentioned—Chenyco, Vohil, WIPO, BDFA—I would like to ask you a concluding question which refers to the concept coince by the Prosecution, namely the furnishing of information, or rather the creation of an information service for official German agencies, especially the armed forces. Was there such a thing in Farben?

that such an information service never, at no time and in no form, either in Germany or abroad, existed. Everything which Farben received in the way of reports from whomever or from wherever they might come, were informations such as a world firm of that type meeded for its technical commercial, financial and, generally speaking economic decisions. I know the statistical and economic institutes of many large enterprises in almost all larger occuntries of the world, and therefore I think 1 can permit myself a judgment about this.

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What Farben wid in this respect was good, and I might say very good. But for an international company such as Farben, it was sound and normal business.

Q Thank you. I come now to a different thepter-Neubabhor, trial brief page 67-4. In the occument of the Prosecution the name of Neubachar appears at various places.

Dr. Ilaner, who was Dr. Weubacher, and how sid you get to know him?

A I get to know Mr. Neubacher in 1932, in Vienna, when at that time there car dewish representative, Mr. Neub, introduced me to time. Mr. Neubacher was then business manager of a Social Democratic building occeperative. When, in 1936, I was in South America, Mr. von Wilmowsky, the president of the Central European Aconomic Committee approached Dr. Trugger and asked him whether we couldn't give Mr. Neubacher a job. After my return I agread. In this connection I heard the name Concentration Camp Weellersdorf, but this did not impress me in any way. I always considered concentration camps as instruments of arbitrariness, no matter who employed them.

Q was Mr. Feubacher recommended to you as a Nazi?

A In no way. The recommendation of ir. won Wilmowsky, who got to a pencentration camp because of the 20th of July, needs the further comment. I hirely him cutside of all humane considerations because of his talents. Neubacher was a typical case of a qualified new comers, taking up a job in Farben.

Q which position did you provide for ir. Neubacher?

A After a certain training in NW 7, Mr. Newbacher was supposed to go to one of the southeastern European countries. He was an expert on scuthoastern Europe, but it was too early for that. The question was not yet settled. That would have come about in 1939.

18 March-M-FL-6-1-School (Int. Lea) Court No. VI, Case VI Q.- Did you have difficulties in hiring Neubacher in Berlin NT 7? A.- Yes; partly circles continually criticized this. I didn't concorn myself so much with the matter. Dr. Krueger did, and here in Murnberg I read a letter from the AO to Farben, which we shall introduce. Q .- How long did Mr. Noubacher remain with Farbon? A .- Until March, 1938, He was then during the Anschluss, in Yugoslavia, and on the way back, after the Angehluss, we had a conference on Austria and I wanted to have him attend it because he could tell us something new. Instead of coming in he telegraphed that he wanted to remain a few days longer. He thought he could hear a lot of interesting things. Two days later another telegram arrived: "Unfortunately I cannot come; Mr. Gooring has appointed me lord mayor," Q.- Do you meen to say lord mayor of Vienna? A .- Yes, lord mayor of Vienna. Goering did such funny things. Q .- That suffices, A new subject. Dupon reports; Trial Brief page 82. Here the Prosecution speaks of a report of gentlemen of the Dupont Company in Wilmington Delaware which these gentlemen made about a visit in Germany in 1934. Did you know this report? A .- No, but I am grateful to the Prosecution for introducing it. It shows that the gentlemen from Dupont at that critical period also interested themselves in the political situation in Germany -- not only in the commercial. A cautious business man always does this, especially when he has to represent a large international firm. I did the same thing in my travel reports about the Far East and about South America, and our Farben liaison men did the same thing from time to time. Q .- That suffices. A new subject, heading: "Counter-Intelligence DKW." In the Indictment under No. 58; under Point G, the following sentence reads, and I quote: "In Germany the Farbon office in Borlin NH 7 was transformed into the economic intelligence arm of the "chrmacht." I ask you now, Dr. Ilgner you who were director of the Farben Bureau 9507

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in Borlin NH 7 — how often did you have contact with the head of the military intelligence department, that is, Admiral Canaris? How often did you have anything to do with him in your life?

A .- Not a single time in my life; I didn't even know him at all.

Q.- How often did you meet the head of the Economic Intelligence Department in the Wehrmacht, OKW, Counter-Espionage, Colonel Pickenbrock?

A.- One single time, on the occasion of a farewell dinner staged in his namer of the party and he to a local to be a local.

Q .- Did you ever, in any form, have any official contact with Colonel Pickenbrock?

. A .- Not a single time.

9 .- Did you know the assistant of Colonel Fickenbrock, Mr. Bloch?

A .- Yes, I know him as I know a lot of other people.

Q .- Did you, at that time, know the political attitude of Fr. Bloch?

A.— Yes, I recall I got th know him at a small social evening at Max Hahn's house, the business manager of the Central European Commercial Committee, and I remember we were together: Mr. Hahn, Mr. Bloch, who was then still a captain, and I; and Max Hahn said to me when we spoke about the offects of the Mazi regime abroad, and I quote: "Only a group of generals need to go into the Reich Chancellery to arrest Hitler and his men. Then the whole hoax, will be finished."

That is what he said to me in the presence of an office of the Wehrmacht, Captain Block.

Q.- Who, if I understand you correctly, belonged to the Counter Intelligence Department of the ONT?

A .- Yes, I think he joined it at that time.

C .- How often did you have official contact with Hr. Bloch?

A.- To the best of my recollection, once officially, in the year 1936.

Q.- How did this official conference come about, and what was its content?

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A .- It was around June that Mr. Bloch came to see me.

Q.- In what year?

A.- 1936. He asked to see me, and he came to my office. He told me that he had indirectly received my large report on the Far East and he wanted to have a copy directly. He paid me a few compliments about it and he asked me how it came to be written. I told him how; I told him my whole manner of working, the questionnaires, etc. And then Mr. Bloch tried to ask me whether I would not include some questions which interested him, and I explained very clearly to Mr. Bloch - that was at the time when the Farben export was a very important problem — that Farben "is the largest producer of foreign exchange in Germany. Farben can and must not compromise itself. If the OKT demands information which refers to the normal business in Farben, then I know that there is an obligation to furnish such information." But I told Mr. Bloch very clearly the negative attitude of my business colleagues, especially of my colleague Dr. von Schnitzler and Mr. Bloch immediately said very politely that he understood.

DR. SCHUBERT: (Counsel for defendant Buergin): 1r. President, you wanted an explanation before the morning recess about whether questions are to be put to the witness Haefliger. I, on my part, have no questions to ask, after having looked at the documents. My colleague, Dr. von Rospatt, who also reserved his right here yesterday has empowered me to state that he also has no questions to put.

THE PRESIDENT: Thank you, counsel. Then we shall treat the examination of the defendant Hacfliger as completed.

The Tribuncl will now rise for its recess.

(A recess was taken)

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THE MARSHAL: The Tribunal is again in session.

EY DR. NATH:

Q.- Dr, Ilgner, before the recess you were saying that Mr. Bloch
of the OKW counter-intelligence had a conference with you and you said
at the end that he desisted from his request very politely. What do you
consider the reason for this?

A.— I have to correct you. It wasn't a request; it was an inquiry really. But the reason why he withdrew so quickly I learned later. Professor Selek had reached an agreement with Admiral Canaris — I learned this only later — that Farben would not be given any request by the OKW counter-intelligence simply because Farben, with its very sensitive stand abroad and its great importance for export, was much too important to be burdened with such matters.

Q.- Do you know what the practical results of this meeting were? Did you ever ask your associates whether anything followed?

i. - No.

Q .- Dr. Ilgner, please pause after my question.

A.- No, I never heard anything about it and I never inquired about it. I invited him to lunch at the Casino with some associates later. The whole talk with my associates was so general and so non-committal that I was sure that my associates, which included Mr. Sachser, observed the necessary reserve. Moreover, I went again on a long trip abroad very soon thereafter.

Q.- Do you know whether before the outbreak of wer, reports from your current business of Farben were actually sent to Mr. Blochowr his department OKY, Counter Intelligence?

A.- I personally never heard of it. I am speaking of the time before the outbreak of war. If there had been any contact worth mentioning, however, I as the man in charge, would have had known about it in spite of my frequent absences. 18 March-M-FL-8-2-Gaylord (Int. von Schon)
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Q .- You comphasized that you were speaking about the period before the outbreak of war.

A.- Yes.

Q.- When and in what way did you learn for the first time that reports were being sent from your office N.W.J. to the OKW, Counter Intelligence?

A.- By a complaint made by the OKW, Counter Intelligence Department.

This was about the second half or the middle of 1940. The Abwehrbeauftragter of my office NE/7 passed this on to me, according to his instructions
from the OKW. The OKW complained therein about the lack of support from my
office. I do not recall the details.

".- "That did you do about this complaint?

A.- At the next mail conference, I told my associates that the persons involved would get in touch with Mr. von der Heyde in order to comply with the complaint of the OKW.

Q .- Were such complaints frequent?

A.- I can recall two or three such instances which were reported to me personally and which I would bring up at the mail conference.

O.- Did you over inquire afterwards whether the wishes of the OKW had been complied with?

A.- I did not inquire, nor was I interested in it; not a single time.

That was a field with which I had no contact in practice and in which I was not at all interested in.

Q.- Did you officially have anything to do with the successor of liajor Bloch, Major Focke, who in 1943 book over the Counter Intelligence?

A .- No, not a single time.

Q .- How often did you encounter Major Focke in your life?

A.- As I recall, I met him twice. The first time was at a locture which he held at Heidelberg in the spring of 1944 for the entire Vorstand of Farbon. It was a Vorstand meeting. It was elementary instruction about counter-intelligence questions. The OKW held a poor view of I.G. Farbon

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and wanted to tell us why these things were necessary. That was where I not him. When my wife was not allowed to go to visit her mother in Sweden — the Gestape or someone had forbidden it — this is in 1945 — I went to the Economic Referent of the SD in Berlin at their Schollenberg office. This was a man there named Professor Schmied whom I had seen in Vienna when he was an district economic adviser. When I came out of the office, I met Mr. Focke just in passing. Mr. Focke thinks that he saw me a third time. He has given an affidevit on this. In 1943 when he took over the office, he made initial calls on several big firms in Berlin, but I believe that he is mistaken when he says he spoke to me. Perhaps he spoke to my representative, because when I saw him a year later in Heidelberg, as I have just mentioned, I did not know him, and Dr. Fahle, who was present, introduced us.

Dr. Nath, it would be quite irrelevant and uninteresting to determine whether I have seen Ir. Focke twice or three times, but since the prosecution contends that I had such intimate contact with him, it is important to make the facts clear.

Q.- Dr. Ilgner, you remarked just now that the counter-intelligence matters were of no interest to you. Can you tell me very briefly, please, a few examples of this?

A.- Yes, I shall give three very brief examples. In my evacuation office at Bug, which has been mentioned repeatedly and where, I, myself, was
located toward the end of the war, I had amongst others some French prisoners
of var building emergency homes and working in agriculture. There was a
Frenchman there named Pierre Vernier. He had some technical training. I
myself employed him as a telephone operator and a checker for the whole
telephone system of the entire evacuation office. This was, of course, impossible in view of the counter-intelligence relations. With great regret
I had to rescind the appointment.

Then there was a regulation issued by the counter-intelligence office

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during the war that anyone trafelling abroad had to draw up reports of his trips. My counter-intelligence official Abwehrbeauftragter - Dr. Rusdiger, the successor of von der Heyde, who held this office for the most important period, warned me repeatedly that I too should make such reports. I was abroad quite frequently. Not a single time did I prepare or turn in a report. Toward the end of the war, the demands of the Wehrmacht were constantly increasing. Since Ruediger was a rather young man, I released him for the Tehrmacht. Ruediger told me that the counter-intelligence authorities wanted him to remain the counter-intelligence official. I said to him, "All right. If the authorities want you to stay here, they should have you deferred; I won't." And I didn't have him deferred any more than I thought it necessary to defer his predecessor von der Heyde who was also drafted. The failure to defer Rucdiger was especially noticed by many people in the office and many of them didn't like it because at about the same time there were two half-Jews, Mr. von Maltzan and Broich-Oppert, both of whom could have been dispensed with and could have been given to the Wehrmacht, but I transferred them to other departments for the sole reason to have them deferred and prevent their being drafted into the OT battalion because that probably would have meant their death.

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Q A final question on this subject: What do you know about the extent of the total activity of Farben in the Counter-Intelligence Field?

A Dr. Nath, the fact alone that the important man in OKY Counter-Intelligence for Economic Questions, Major Folke, as late as 1914 - I believe it was March, toward the end of the war - thought it necessary to give the whole Farben Vorstand elimentary instructions, because it was that and nothing else, about the necessity of the work of the Economic Department of the OKW Counter-Intelligence, proves clearly enough that this work in the opinion of the authorities was completely inadequate.

Q Another subject, Dr. Ilgner. Did you ever have any official dealings with the SD or the Gestapo?

A No, the only contact which I had with the SD was of a private nature. This was in February or January, 1945, in connection with the incident which I just mentioned when my wife as a Swede was not allowed to go home. This ban had been in force for years. As I said, I went to see the Referent Dr. Schmied at his office and the result was completely negative. The feeling against Farben and myself was very strong; we were on the blacklist. I learned all that from the Vorstand member of the Allianz Insurance Company, who, during the war, was a captain in the Landwehr and was sent to this office. He came after me on the steps and was sorry for me and wanted to console me.

Q The prosecution, however, has offered Exhibit 915, Book 49, English page 50, German page 76. This is the affidavit of Mr. Diels of 30 January 1947. Mr. Diels states that at the beginning of September 1933 you called on him in the office building of the Gestapo. How do you explain Mr. Diels' testimony?

A Mr. Diels has already said something here on the stand about a "confused conversation", as he called it. It would assume that his recollection of our very brief encounter in 1933 has suffered from

confusion too. The facts are as follows:

On the 6th of September, 1933, that was the day before my youngest daughter was born, I returned from my trip to Scandinavia. as I have already said, I had reported my critical impressions of this trip in the F-Circle, but I was not satisfied with the reception which my report had received particularly with the impression on Mr. Goebbals. I told the Vice-President of Schurz Association, Dr. Draeger, about it and he said, "We will have to see whether Mr. Goering can't be informed of this." He said there was an acquaintance of his, who was an old democrat, Mr. Diels, who was a good fellow, who had very close connections with Goering, who was always in the Hotel Bristol and who always ate breakfast there. I was once in the Bristol with Dr. Draeger and he said "There is Mr. Diels," and he introduced us and them I told Mr. Diels about the information I had gotten from-Sweden and the rest of Scandinavia. I don't know - perhaps Mr. Diels did not understand me; perhaps this information was embarrassing to him. I spoke about the Jewish boycott, about the militaristic questions, about the changing of the flag. I spoke about the unfortunate figure of Mr. Books, but perhaps he didn't want to go into it. There was a very brief conversation and there my recollection agrees entiraly with that of Mr. Diels. The meeting made no impression on me and I considered it so unimportant that contrary to my custom, when I came to my secretariat, I did not tell either my assistant or my secretary about it so that he was not even put in the "MET" file where I usually registered all the people whom I met. That was my ... ancounter with Mr. Diels.

Q And that is enough on this point. Dr. Ilgner, I now take up a new subject, the alleged Farben espionage agents abroad. At Trial Brief page 70, the prosecution contends and I quote: "Farben maintained and financed several agents abroad who were engaged in espionage, and in some cases they worked exclusively for the Abwehr." Is that true?

- A Cartainly not. Such a thing never existed in Farben.
- Q The prosecution relies for this assertion on an affidavit of Dr. Krueger and an affidavit of yours. These are Exhibits 377, Book 17, English page 18 and 20, German page 34 and following; also Exhibit 328, Book 46, English page 104, 108, 109, German page 123. Both exhibits deal with the following three gentlemen: first of all, Freiherr von Lersner, second Wilhelm von Fluegge, third, Dr. Kuegler. What do you have to say about that?

A I have given a new affidavit in which I have corrected my pravious affidavit in a number of points. About these three gentlemen I have to say the following:

Mr. von Lersner was a half-Jew, definitely anti-Nazi. In 1939 he left Germany, because he did not like to live in Germany any more. This was with the consent of Geheimrat Bosch who was a friend of his and with financial assistance by Farben, with which he had an old retainer contract since long before 1933. He went to Turkey. He worked for understanding even during the war. He had nothing to do with espionege or OKW Counter-Intelligence.

Mr. von Fluegge was also a half-Jew, an old Resistance man. He belonged to the Circle of Max Hahn and Dr. Edgar Jung, Bloch, and so forth. In 1939 he went abroad under the camouflage of the OKW Counter-Intelligence Work, and worked there for the Resistance Movement. Until quite recently I myself did not know the details, since I left in 1939 and was not present. I was not informed later, because the office of Dr. Krueger had demanded that only one important man should be informed and this on account of the risk for the resistance movement, and Dr. Krueger, of course, did not inform me. It is untrue that this had anything to do with espionage agents. Moreover, Farben had just as little to do with this whole matter as with the matter of Mr. von Lersner.

As for Dr. Kuegler, he was a soldier during the war and for a time he was assigned to the OKW Counter-Intelligence. This was

an assignment on which Farban had no influence at all. This was purally a military assignment during wartime. The fact that he was paid is nothing unusual; all the officials of Farban who were drafted into the Wahrmacht received 85%, or something like that, of their salary from Farban, without exception.

That is sufficient. I now turn to enother chapter, alleged espionage work in China in the Trial Brief, page 70a, Exhibit 523 is mentioned here in Book 45, English page 179, German page 242. It is said and I quote, "The agents and employees of Farben in China participated to a large extent in the espionage and propaganda work there." What do you have to say about this document?

I read this document for the first time here in Nurnberg. I read it very carefully. Aside from a quite general remark there is nothing in it that justifies the prosecution's contention, but it does say, as I have already explained very carefully here on the stand — these were normal surrenders of foreign exchange from Farben export business in China during the war on the basis of the well known regulations regarding foreign currency which had existed in Garmany since 1951.

go on to individual cases falling under Count II, under the title, "Flunder and Spoliation," chosen by the prosecution, I should like to ask a few basic preliminary questions: First of all, I should like to go into your knowledge, or lack of knowledge, of the coming war, the so-called invasions and wars of aggression. Dr. Ilgner, what did you personally know of a coming war?

A I was firmly convinced that no war was planned and certainly no war was coming.

Q Why did you personally believe to the last minute that there would be no war?

A First of all, because of my mentality. After the Austrian question and the Sudeten question had been solved with the approval of

the world without warfars and it seemed to me that war was pure madness. Any war had to mean a weakening of Europe and a strengthening
of Bolshavism and that was madness. Besides, I was sick. I was in
a sanitorium in Switzerland and after that in Austria, and I was not
in very close contact with the course of events, but my basic ideas
and convictions were not affected by that,

Q How did you learn for the first time of subsequently political events, first of all, the Anschluss of Austria?

Was not new. It was expressed for the first time in 1919 and then again in 1931. That has been d iscussed enough here; when well whether there would an anschluss, I did not knownd I may say most everybody did not know that. It was quite a surprise and I can give no better answer than the prosecution exhibit introduced two days ago, 2014, which was put to Mr. Haefliger, and I would like to read three things from it: "At 9:30 we received the first alarming news. Mr. Fischer camed back from a telephone conversation, all excited; it was like a stroke of lightening from a clear sky." This is a prosecution document from the year 1938, the 16th of March. I believe there is no need to say anything more on this subject.

Q How did you hear of the Numich agreement about the Sudetenland?

A Again, like every citizen, on the radio. We were very much worried that things would go wrong. We were happy that everything was in order, thanks to the attitude of Chamberlain, above all.

- Q That did you learn about the invasion of Prague?
- A I heard about it over the radio and was very much surprised.
- Q How and when did you hear of the beginning of the war with Poland on 1 September 1939?

A I was convalencing at the sanitorium of Rupana in Austria at that time. Dr. Krueger, my representative, came to see me a few days before. He was desperate about my optimism. He could not convince me that this situation was serious. He went back to Berlin and, as has already been testified here, I went hunting in the wilds of Wachau and the same thing was true of the occupation of France.

Q How did you hear of the entry into Denmark and the occupation of Norway? That was in April, 1940.

A I was still convalescing in Austria. I heard that up in the mountains. These events were all a surprise to me.

Q What do you know about the Goering speech in the Herrenhaus in 1936?

A At that time I was on my way back from South America. I was mid-ocean. I came back on 22 December. I did not read the speech itself. This statement which was given here "There was just no shooting" or something like that, I never heard that. I do remember that someone — who and where this was, I don't remember — told me something else about it that has not been reported here about the determination of the Third Reich for autarchy and Goering is supposed to have said something to have said something like the following — I quote from memory, of course. Whe will bore to the navel of the earth and woe to the economist who does not collaborate: Into the abyss with him: That is what I remember of the speech.

Q Dr. Ilgner the prosecution says in the Trial Brief on page 89 as follows: and I quote: "Any intelligent man in Germany must have realized from the very moment of Hitler's seizure of power that the Third Reich was head inevitably toward war." Can you mention any intelligent man who had a different opinion?

A Yes, Ambassador Dr. Ulrich von Hassel, who has been mentioned repeatedly. Von Hassel, as has been said, was very Anti-Nazi. In 1937-38, he was a personal enemy of von Ribbentrop's and, as such, was dismissed from the Foreign Office. He was a prominent member of the Resistance Movement. He was considered one of the best and perhaps the best man in the Foreign Office. After the successful assassination of 20 July 1944, he was to be Foreign Minister of the Goerdeler Government, that is, the Resistance Government.

Hassel was condemned to death by the People's Court and hanged in the Spring of 1939. Hassel did not believe that Hitler has aiming at war. In his opinion, Hitler's endeavor was to gain success in foreign politics without letting it come to hostilities. It was only in 1939 that Hassel began to doubt, and, as Hassel thought, so though many people in Germany, and from them the war was a complete surprise.

Q Dr. Ilgner, that is the Ambassador von Hassel, whom you mentioned in connection with the Central European Economic Heeting?

A I paid a retainer to him. We had a retainer contract with Ir. von Hassel and put him in NV-7 and then in agreement with the Prasident of the Central European Economic Board and its chief business manager, Dr. Dietrich, we discussed that all three of us. He became Vorstand member and was head of the financial position in Berlin to work out his political ideas, which we knew.

Q Dr. Ilgner, we want to discuss Southeastern Europe now, expecially your Southeastern European business policy so that we can come
to Austria and to Count II. Since when had you been particularly interested in Southeastern Europe?

- A Since 1931.
- Q What was the reason?

A I will speak in a few words. The collapse of the Austrian

Credit Institute, German bank collapse, devaluation of the puund, freezing of the Southeastern currencies, difficulty of Farben exports to
Southeastern Europe.

Q And how was your interest expressed -- also in a few words?

A We had the Vowi investigate agronomic research on the export experiments by the agricultural expert, Wilhelm von Fluegge. The Question was what could Germany import from the Southeastern countries additionally in order to have the frozen sums defrozen and if there were not enough export articles available, what could be developed or grown in Southeastern Europe in the agronomic field that could be explored to Germany.

Q Dr. Ilgner, were these not considerations which made very long range measures necessary?

A Yes, that is true, but it is different too. After the foreign exchange credits were withdrawn by other countries in the summer of 1931 — I have already discussed that repeatedly — there was a great scarcity of foreign exchange and that was another reason for these measures.

Control of foreign exchange was introduced at that time as we know and the measures to promote export began.

Q Were these the only reason or did you have other basic considerations for being interested in Southeastern countries?

A Dr. Nath, they were essentially the same ones which I have already described. The basic realization that the diminished volume of world trade could be increased only by helping these countries to develop their economy. To intensify their industrialization was only a part of this. One could achieve an increase of world trade in this way, and besides and this was a very important consideration — it was a wonderful supplementation for Southeastern Europe and Germany. They had a surplus of agrarian products which we needed and we had the industrial products which they needed.

Q Were you at that time a member of any special economical organization which was dealing specifically with Southeastern Europe?

A Yes, in 1931 I became a member of the Council of the Central European Economic Diet.

Q Will you please describe to the Tribunal what that was?

A I can do that very briefly. A private society, whose members represented about 12% of German total exports, no, not 12% of exports to the whole world, but only to Southeastern Europe, only to this part of the world, on the basis of private initiative a private corporation incorporating the corporations interested in export to the Southeastern Europe.

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- Q. Thank you, that is enough. Dr. Ilgner, in the next few years after 1931 did you personally take any further interest in the Southeast?
- A. My big trip to Southeast Surope was in 1932. After that I had no active personal interest since then there were other problems in the foreground, devaluation of the dollar, promotion of exports to oversies. I made at that time my big trips to East Asia and South America. It was always my principle and my working method to take up problems, investigate them thoroughly, and then if they were sould and interesting to put good people on them, and so at that time after 1932 I put man like Wilhelm von Fluegge, Kurt Horb, in charge of Southeast Europe. Later Dr. Krueger, my deputy, took a very big interest in this after '33, '34, later Mr. von Heieck, Kuegler, Helmerding - the setual promotor, and if I may say so, the one who gave me the test for this, who made the important point of view clear to me, was our agent -Filhelm Roth at Vienna who was with me on this car-trip through Southeast Europe in 1932. In the years after '33, as I said, until after the Anschluss of Austria, I myself took roally small interest in these problems for the reasons mentioned.
- Q. Dr. Ilgner, did you tell your ideas about developments in Southeastern Europe in the economic field to the Fublic?
- At the general assembly of the M.T in 1940 during the war.
- Q. In the time before the outbreak of wer, did you join any other Southeast European organizations?
- 4. No. The MAT remained the only one. In 1938 Mr. von Wilmowsky suggested me as vice-president and I was elected by the members.
- Q. Did your whole activity in Southeastern Europe have anything to do with official trends?
- A. I might say on the contrary, the National Socialist agencies before the outbreak of war were comparatively uninterested in Southeastern Europe. Farben, however, and above all the M.T. were following purely

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private interests.

- Q. I put to you the document of the prosecution, Exhibit 1064, Book 52, English Page 41, German Page 51. This is an affidevit of Mr. Noack who states that German foreign policy regarding Southeastern Europe was essentially in agreement with your own Balkan interests which were expressed by the fact that later your Dr. Ilgner, were appointed chairman of the Southeastern European Committee of a Reich Group Industry. He says that the prominent membership of Ilgner and Farben in the Central European Economic Diet were part of this phenomena. Will you please comment on this?
- I must say that Mr. Noack is not acquainted with this field at all.

  He had nothing to do with the Southeast. His statements are, therefore, unfounded and absolutely incorrect. A few facts alone will prove that they are incorrect. Mr. Noack assumes a unified policy or states that in his affidavit I joined the advisory council of M.T. as I have already said, in 1931. That is before the Nazis. And I was elected chairmen of the Southeastern European Committee of the Reich Group Industry only in 1941 during the war. Before the outbreak of war, as I have already said, the Mazi authorities were comparatively little interested in Southeastern Europe.
- Q. Now, Dr. Ilgner, Mr. Nonck also contends that Mr. Nouhausen, the delegional leader of the party in Serbia, was on very good terms with you. What do you have to say about that?
- A. Mr. Neuhausen in 1938 was the German Consul General in Belgrade. That was his main job. It was in this capacity that in the interests of Farben I had a few discussions with him. I may have seen Mr. Neuhausen half a dozen times at the most. There is no question of any personal relations.
- Q. You said that you became chairman of the Southeastern European Committee of the Reich Group Industry. Would you please tell us how

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this came about, why did you become chairman?

- A. First I may perhaps explain that this committee was an advisory body of industriclists who know samething about the Southeast, that is, exports on the Southeast. The initiative to make me the chairman came from industrial circles. The reasons were not given to be expressly but they were evident. First of all forben was the biggest exporter to Southeastern Burope. I was alreedy vice-president of the Control European Becommic Diet, the only important body interested in promoting economic relationships with Southeastern Europe. I had for years, 1931, been interested in Southeastern Europe. My position in Southeastern Europe and the estern in which I was held, were always considered good, especially on account of my attitude in the question of industriclization. And this board wated to have industrial exports in the committees meeting for the OWM, committees meeting during the war. It was also our duty to establish contact with the industrial sociatios in these countries, Hungrary, Furnania, on general industrial questions. That is all.
- Q. Pr. Ilgnor, I should now like to go into your fundamental ideas on your economic policy. You mentioned that in the course of your activity with Southeastern Europe you made some suggestions about covering the clearing debts. That was the sense of these suggestions?
- that time, even though I was rather young, I was of the old school.

  I had learned one always pays old dobts before making new contracts.

  Otherwise the German economists negotiating down there would encounter justified distrust in those countries. I, therefore, detailed suggestions but they were considered "the unworthy selling out of Pr. Ilgner" by the party circles and refused. I made suggestions that since there were ever six thousand factories in Germany closed down, it be suggested to the owners that they transfer their factories to Southeastern Europe with the option of participating in the South and making their technical experience available. That is industrial cooperation in the best meaning

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of the word. I also suggested to contract for some postwar projects, to contract for postwar deliveries. The southeastern countries, insofar as they were interested in German industry, in German standard enterprises, they should participate. I made the suggestion to my Farben colleagues and Farben agreed, and a number of other things. It would be going too for to go into these technical things here.

- Q. What was the attitude of the leading economists of the Southeastern countries, not the Germans, toward these endeavors?
- A. Very positive. They realized the advantage to their own countries.
- Q. Now did your ideas and your criticism, for example, about the clearing balances, have any success with the authorities?
- honestly tried, but actually since the party was stronger they were largely unsuccessful for the various reasons mentioned. They were more and more criticized by the authorities and finally they were dropped, that is the committee. In this connection I was forbidden to leave the country in my expecity as chairman and go to Southeastern Europe.
- Q. Dr. Ilgnor, at another point you have already given us your ideas about industrialization very briefly. You camphasized that an increase in world trade volume was possible only by an increase in the purchasing power in the market countries, that is in this way to raise the standard of living that is to intensify economy, particularly in the agrarian and raw material countries. "ere these ideas of yours recognized or acknowledged at that time?
- A. No, at least they were very much contested. But the development in many of the world markets before and during the war showed the trend toward industriclization and nationalization in the agrarian and raw material countries. I would like to so, that nationalization is not to be confused with socialization but means the emphasis of the national interest. These trends were so strong that no one could

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stop than and it would have been senseless not to support thom.

- 2. Were you of the opinion that German industry, particularly Farbin, was to support thuse trends?
- ... Certainly, and I found support for my ideas in all important circles of Forbon. The Central European Aconomic Pict particularly h d adopted this idea. Natural development is always sound. Organic development in accountry on the basis of natural resources, raw materials, power, financial resources, consumers, those developments are sound in the long run. I shall give you only a few examples, only a single, example from one country, Pummia, as one had to consider the trend for nationalization in countries, one found in Furania the majority in the Vorstand was Rumanian, the majority of the capital was Rumanian and the personnel was exclusively Rumanian. That was in our own interest in the long run. In general the netional pertner, if he has agreater interest, will always be willing to help the company much more than if he thinks foreigners are running it. The most important thing, and this is one of my basic principles, was management, men, not measures. The best people, especially for technical leadership, were to be left to the superior industrial partner for a definite time agreed upon beforehand.

- Q That did your colleagues think of these ideas?
- A I told you they were basically in favor of them. It was an old tradition in Farben, compared to the old industrial countries like the United States, England, France, Norway, Italy, etc., the new problem here was industrial cooperation with young countries where industrialization was just beginning. But here Farben, and I remind you of the Southeastern European Committee of Farben, took a very generous attitude.
- Q Now the Prosecution, for example on Pages 33 and 35 of the indictment, says that Farben exerted pressure in order to impair industrial development outside of Germany. How does that accord with your testimony?
- That is probably one of the biggest mistakes which the Prosecution has made. I know of hardly any enterprise in the world which is so willing to cooperate in the international industrial field as I.G. Farben Industry and which so generously favored sensible industrialization in other countries.
- Q Dr. Ilgner, it is important and it is of interest to know whether your personal ideas about these economic matters, your positive attitude towards industrialization, was also expressed by you in public speeches, and if so, when? Excuse me, please, only very briefly.
- That began in 1931, '32, but specifically after my big East Asia trip in 1935 in the Rotary Club in Berlin I made a speech to this effect, specifically treating East Asia; in 1936 in the Industry Club in Buenos Aires perticularly about South America; 1937 in Paris with the International Chamber of Commerce particularly about South America and general ideas; 1938 in Kiel in the Institute for World Economy, about general attitude on world industrialization, promotion of exports; 1938 for the German-Dutch Society, especially Dutch East Indies. 1940 in the MAT Assembly, as I said, in Vienna, about Southeast Europe; 1941 in the Military Academy in Berlin, general questions; 1942 in the Joss, that is the Hungarian Industrial Society in Budapest on Southeast Europe and Economy; in 1943 in the Rumanian Industrialists Society in Bucharest, again about Southeast Europe and specifically Rumania.

- Q I gather that also during the wartimes you talked about industrialization. Were you in agreement with the measures undertaken by the National Socialist authorities in respect to industrial policy in the German occupied and Allied countries?
- A No, definitely not, especially not in Norway and Southeastern
  Europe. In a number of my speeches I gave some very definite criticism.
- Q I now turn to the question of Austria which is under Count II of the indictment. I refer to the Trial Brief, page 74. The Prosecution says here in Part I of the Trial Brief and I quote, "Beginning with the invasion of Austria in March 1938, Farben made representations to the German authorities that it would take over the chemical industry of Austria and operate it within the scope of the Four Year Plan." The Prosecution refers here to Exhibit 1014, Book 51, English Page 1, German pages 1 and 2. Please comment on this.
- That is entirely wrong, not "beginning with the invasion", and I quote the Prosecution's idea of the jubilant welcome in Austria at the occasion of the Anschluss, but even before 1933 there were talks and offers by the Skoda-Wetzler to Farben by mediation of Kommerzialrat Wilhelm Roth, who was a good friend of the General Director of the Skoda-Wetzler, Er. Pollak, and since 1936 there were concrete negotiations. Second, it is not a question of Austrian industry. Skoda-Wetzler represents perhaps 10 percent.
  - Q Dr. Ilgner, chemical industry?
- That this was the entire austrian chemistry. It was barely 10 percent which was under discussion. Third, "within the scope of the Four Year Plan" the Prosecution quotes I need not go into this expression. The fact is that there was not a single Four Year Plan project contained, and the Four Year Plan had nothing to do with it. Besides, in the document quoted by the Prosecution exactly the opposite is said. In Prosecution's own document I quote Exhibit 10%0. That is a different exhibit. "Beginning with the sales interest already existing in the

anilin Chemistry Farbon has since one year in agreement with the Reich authorities taken the initiative for further unification. There are included both sales and production. In February 1938 after long negotiations with the Austrian partners, a plan was drafted and finished. That was before the Anschluss.

Q In Part II of the Trial Brief, page 24, the Prosecution speaks very generally about the alleged legally camouflaged plunder and quotes in this connection a statement of the head of WIPO, Director Dr. Jost Terhaar, and I quote: "This government policy was well expressed by Terhaar, Director of Farben. Such planned cartels, voluntary associations, were to incorporate all of European industry so that in this organization production and sale could be regulated under German leadership and according to German interests." I refer to Exhibit 1052, Book 57, English page 26, German page 24. Although the Prosecution uses the word "government policy" here, the impression may remain as if this involves Farben's opinion. Just tell me what was the opinion of Farben?

In what the Prosecution writes if one looks at the sentence immediately preceding this quotation in the same document, the report of Dr. Terhaar about his conferences with various government agencies, then the state of affairs becomes clear. This sentence reads, and I quote: "The basic plan for organizing the Economic Group Chemical Industry is, as we could determine after inspecting the prepared draft, clearly the cartel principle." Not the opinion of Farben but of the Economic Group Chemical Industry. That is in the last analysis the government.

Q The Prosecution also submits on page 25 of the Trial Brief that in order to get permission from the authorities to carry out the transaction Ferben had emphasized the question of Aryanization in order to win the authorities over to the project. Is that true?

- A. Here the Prosecution is very much mistaken. Of course not even an enterprise like Farben could completely ignore the official orders in the Jewish question. How this was done, however, is shown by the fact that the official party agencies four weeks later, that is at the beginning of May, 1933, that is five years after the seizure of power in Germany, still considered it necessary to put two commissars in all Farben sales organizations, etc. in Austria, that is in Vienna because of the negative attitude of Farben in the Jewish question and non-cooperation with the party in Austria.
- Q. Mr. Ilgner, I shall come back to this question of commissers later. The Prosecution relies on Exhibit 1040; this is a letter of Farben by Mr. Haefliger to the office of the State Secretary Keppler. Do you see any connection here with the question just discussed?
- A. No. Not with the contention of the Prosecution. I find only two passages in this letter which refer to Jews, and I muote: "These negotiations as the result of the re-incorporation of Austria were interrupted for the time being first of all by the fact that the important persons participating in the negotiations on the Austrian question were not Aryan." And the other passage reads, and I muote: "The leading functionaries have, it is true, been replaced by Aryans in the meantime." This shows only that the Anschluss, with the simultaneous introduction of the Nurnberg Laws in Austria, made things difficult for Farben or interrupted the negotiations. Nothing is said here about any activity of Farben in the Jewish question. Farben even had actually nothing to do with this question; that was up to the Kreditanstalt which probably replaced the Jews.
- O. Another subject; on page 26 of the Trial Brief the Prosecution says that Parben long attempted in vain to get the majority in the Skoda Wetzler plants, and then it says, and I quote: "Skoda Wetzler, as wellas their parent firm the Austrian Kreditanstalt, had flatly refused to give up their majority as long as they were able to present their opinion at

- all. That is, up to the 12th of March, 1938." Is that true?
  - A. That is absolutely incorrect.
- 1070, 1069, 1067 and 1068, all in Book 52. If the Tribunal so desires, I can give the English page numbers.

THE PRESIDENT: Yes.

- O. 1070 is on English page 77; 1069 is on English page 54; 1067 is on English page 47; 1068 is on English page 51. We will discuss these documents briefly. Please give us your opinion first of all on Document Exhibit 1070.
- A. Exhibit 1070 is the so-called Austria report which was prepared at my request in the fall of 1938. It deals essentially with developments just before the Anschluss. The following sentence however, is to be found in this document, and I ouote: "The negotiations going on since 1936 for acquisition of the majority of Skoda Wetzler are about to be concluded." That is exactly the opposite.
- Q. What about the second document, Exhibit 1069? This is an effidevit of Dr. Franke-Fahle, giving excerpts from the KA minutes.
- A. The case is similar with this document, Prosecution Exhibit 1069; I shall read an excerpt: "Mr. Weber Andreae reports about the measures now under consideration in Austria, the basic principle of which is to establish a closer relationship between Farben and Skoda Watzler as well as between the Austrian part of Dynamit Nobel A. G. and Skoda Watzler."

  This is an excerpt from the KA record of 10th September, 1937.
- 9. Please content on the last two exhibits, 1067 and 1068. This is an affidavit of Mr. Joham and Mr. Rottenberg which was the subject of our cross examination in Vienna.
- A. I shell go into these exhibits only very briefly. There are too many inaccuracies in Mr. Joham's and in particular in Mr. Rottenberg's affidevits. Exhibit 1067, Joham, I shall cuote only the following: "For us it was an axiom in such cases where we sought greater reserves to hold on to

our holdings." And Mr. Joham says at another point, and I quote: "For this reason since the year 1936 I had to deal with this enterprise as its general director." Against this affidavit of Mr. Joham from last year I shall cuote from a document from the year 1936. This is a report of the Swiss national Moss, who up to about 1940 was director of the Antilinchemie in Vienna. On the 13th of May, 1936, he wrote the Cantrel Finance Administration in Berlin as follows: "Mr. Von Handel, the general director of the Kreditanstalt, has informed me that for the time being he is consulting no one in the Skoda Wetzler business and is ready on principle to give it only one-half or even all of the stock in his possession." There Dr. Rottenberg says it is a Farben organization, that is in plain language that in 1936 the Kreditanstalt represented by its general director stated that it was prepared at that time to sell all its shares in Skoda Wetzler to Farben.

- O. Dr. Ilgner, do you have Pny explanation for these ineccuracies and contradictions?
  - A. You meen in the affidevits of Johan and Rottenberg?
  - Q. Yes.
- A. Yes, I have a certain understanding for that. The Skoda Wetzler is situated in Austria. Today Mr. Johan is public administrator of the Kreditanstalt Bankverein, and he wants to retain ownership in the Kreditanstalt for Austria which is his country. He is, therefore, forced in the interests of Austria to prove that the Austrian Kreditanstalt in 1938 was acting under pressure. I have every symmethy with his considerations and I will be glad to confirm to Mr. Johan that the fact of the Anschluss, as such, effected the economic basis of Skoda Metzler by removing the protective tariffs and made the position so poor that for a clover business man, and Mr. Johan was a very clever business man, the only solution was to sell immediately, to sell the whole thing, and he sold it very well. In this sense one can say that Mr. Johan under the circumstances changed because of the Anschluss, decided to do what the

'ustrian Kreditenstalt was willing to do as carly as 1936 when there was not yet a prohibition to sell by the Austrian government, namely, to sell entire holdings of Skoda Metzler stock to Farben.

THE PRESIDENT: Does Counsel for the Prosecution have something to spy?

MR. MCHAN: We would have no bojection to the witness testifying by quoting documents or reports having come to him provided he in some way identifies the document, the contents of which he is reading into the record, and in any other way furnishes us comics of those documents.

We are totally at a loss to know what the document is without any identification.

THE PRESIDENT: The Prosecution is entitled to that information.

When the witness testifies concerning a document, he should of course identify it to the extent that the Prosecution can know what he is testifying about. Dr. Nath, during the recess will you consult with Counsel for the Prosecution and see that the information that he requests is placed in the record when we reconvene?

DR. N'TH: Y.s, Your Honor.

THE PRESIDENT: The Tribunal will now rise until 1:30.

(A recess was taken until 1330 hours, 18 March 1948)

## ..FTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 18 March 1948.)

THE MIPSHIL: The Tribunal is again in session.

DR. FRIBILLA: (Attorney for the Defendant Jaenne)

Your Honor, I would be grateful if the defendant Jaenne, who is the next defendant to testify, would be excused for tomorrow too, because we are not quite ready yet.

THE PRESIDENT: Very well; that permission isgranted. May I make one further amouncement at this time. The Tribunal has this day entered a formal order designating and appointing Judge Johnson J. Crawford as a commissioner of this Tribunal to supervise the taking of the testimony of such witnesses as may be referred to him. This is an additional order to the one already outstanding relative to Mr. Mulroy.

The Tribunel has also approved the application of Dr. Pribilla, Counsel for the defendant Lautenschlaeger, for the testimony of Dr. Julius Weber, and the matter of taking the testimony of Pr. Weber is now referred by the Tribunal to Judge Crawford as its Commissioner. We understand that it will be necessary to take this examination in Easle, Switzerland, and the Tribunel has also, by memorandum, approved the Defense Counsel who may participate in that matter. We take it that that may be necessary in order to obtain clearances, but that no such order is required so far as Counsel for the Prosecution is concerned or administrative officers of the Tribunals.

You may proceed.

DIRECT EN THE

BY DR. NATH: (Attorney for the Defendant Ligher

Your Honor's I have domplied advice of the Tribunal in

reference to the document about the has spoken without

quoting in detail where this document is to be found. In agreement

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with the Prosecution I wish to state for the record that this is a document which is in my Document Book IX, and which will appear as Ilgner 147. It is a letter of Mr. Moss von Seiller; the Prosecution has been notified of this and is agreeable to this.

Q. Dr. Ilgner, we stopped with the case Austria, and we were discussing four Prosecution exhibits; three of them have already been discussed by us, and I would like to ask you to comment about the fourth one. It's Exhibit 1068; this contains the affidevit of Mr. Rottenberg. Would you please comment briefly upon this?

A. The affidavit of Mr. Fottenberg contains basic errors. Mr. Rottenberg further more made a tactual mistake. He speaks of the first contract of the Skoda-Wetzler Works with Farben and says about that, and, I quote: "I. G. Farben was at that time represented by Dr. Ilgner."

I must say that during the period July and August, 1932 until the beginning of May, 1938, that is two months, after the Austhluss, I never was in Austria. Rottenberg further more is repudiated in all decisive points by our documents.

Q. Dr. Ilgner, we can now leave these documents. I ask you to answer the following: Who of I. G. Farben in the years 1932 until after the Anschluss conducted the most important negotiations in Vienna?

A, Of the Sales Combine Chemicals, these were the gentlemen Weber Andrese, and above all Dr. Buhl, and from my organization, my deputy, Dr. Krueger. Furthermore, the man designated by me in 1936 at the request of Wilhelm Roth, a man by the name of Guenther Schiller, who was sent to Vienna, and immediately after the "nachluss, one time as we have already heard, Mr. Haefliger.

Q. What did Fr. Roth have to do with the transactions of the Skoda-Wetzler works?

A. Mr. Haefliger in the stand designated Mr. Follak as the actual promoter. I always considered Herr Hoth as the actual promoter, but I think we are both correct. Mr. Roth and Mr. Follak were very

closely connected, and Mr. Foth, the chief of the Aniline Chemistry, already sold a part from the Parben products, meny products of Skoda Works for many years; also those of the Austrian Dynamit A. G. of Freesturg or of their Austrian works. I said Roth and Pollek were friends. Follak was a good, I was told, a very good chemist, and because he was that, he wanted to use the chemical knowledge of Farben in the Skoda works Wetzler. He wanted to apply it there, and for that reason Mr. Follak for many years had wanted Farben to participate in a decisive decree in the Skoda works Wetzler. He literally told Mr. Roth and Mr. Schiller as follows: I would like to put my heritage, that the Skoda Wetzler, into the hands of I. G. Farben. Mr. Follak was, I think, almost 70 years old, at least he was between 60 and 70, and he intended to retire shortly. If I am correctly informed, these matters date back to the time before the merger of the I. G. Farben industries, and refer to the Shemical Industry Griesheim Blektron which later went into Farben.

Q. In order to prove that the Kreditanstalt, before the Anschluss was not reedy to sell their shares in the Skoda Wetzler works, the Prosecution introduces Exhibits 1060, 1061 and 1063; they are all of them in Book 52. This is correspondence between Mr. Follak, of Skoda Jetzler, Mr. Rottenberg of the Kreditanstalt, and Mr. Buhl of Farben. This correspondence took place two months before the Anschluss. That can you say about this correspondence?

A. I got to see this correspondence in Murnberg for the first time. I do not find that it proves in any way the theory of the Prosecution. In Exhibit 1060, that is Prosecution Exhibit 1060, there is a letter of Mr. Follak to Dr. Buhl, about which Mr. Rottenberg of the Kreditanstalt, who was then the chairman of the Board of Skoda-Wetzler, was informed by Mr. Follak, the general manager, and in this letter there is the following sentence directed or addressed to Farban, and I quote: "Furthermore, now before as, the firm intention exists to take the matter which has been treated orally by General Director Johan and

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by me and to perfect this matter in that sense. Unfortunately within a normal letter one cannot exactly explain how highly all of us esteem your efforts, and how much we hope for the accomplishment of the project which is being worked on."

- Or. Higher, do you know whether the Creditanstalt shortly before the Anschluss under a prohibition to sell anything, a prohibition and by the Austrian Government, whether it was forbidden to sell shares in Austrian firms to German firms?
- A. Yes, Just during these last fow months immediately before the anschluss, to which the documents introduced by the prosecution refer. But it was not a prohibition to sell altogether, it was merely a prohibition to sell the majority. Then shortly before the Amschluss the foreign political relations between Germany and Austria deteriorated. The Austrian Government feared that the acquisition of a majority of an Austrian firm on the part of a Reich German firm could serve as a protext for the Mazi Government to interfere in domestic affairs of Austria. and it was only for that reason that the Austrian Government at that time decreed a prohibition to the Creditantalt against selling the majority participation of the Skoda-Totsler works, but that was a general decree at that time which was valid for the whole Austrien economy. I.G. Farbon had complete understanding for the situation and was nevertheless prepared to carry out the transaction. The Austrian Government just shortly before had approved the entire salo, namely, because the Austrian Government itself was prepared to sell its own 12 percent shares in the Skoda Torks Tetzler to I.G. Farben also. This can be gathered from Prosecution Decument 1060. There it says, and I quote, "For reasons which are beyond our control, it is not possible to abandon this point of view".
  - Q. Dr. Ilgner, this is a quotation from a letter of the Creditanstalt?
- A. This is a quotation from a letter of General Director Pollak of the Skeda Morks Tetzler with the approval of his chairman, Hofrat Rottenberg, who was at the sale time member of the Board of the Creditanstalt, to a member of the Vorstand, of Parben, Mr. Buhl.
- 1. Was the Credit Anstalt, despite this Government restriction which you have just described, decided to carry through the transaction with Farben before the Anschluss?
  - A. Yes. The Creditanstalt was very much in favor of carrying out

the transaction, nevertheless, and this again can be gathered from two prosecution documents, 1061, and 1063. I quote only one sentence from each of the documents. The second sentence is the answer to the first sentence. The first sentence is in a letter of Dr. Buhl of Farbon to General Director Pollak of Skoda Torks Tetzlor dated 20 January 1938, and this is Exhibit 1061. And this reads as follows, I quote, "For reasons which I described to you during our last discussion in Vienna, it is extremely difficult for Farbon to abandon the plan providing that although the majority of the new concern may not be in the hands of Farben, but through the neutralization of a small amount of shares, it should at least be prevented that the business management could be conducted against the interests of Firben, be so that Farbon cannot be out voted." The second sentence from Prosecution Exhibit 1063, this is the draft of a letter of Dr. Pollak to Mr. Buhl, which also was submitted to Mr. Rottenberg and which represents the answer of the Skoda 'Jorks 'Jetzler or of the Creditanstalt to the above state ents of I.G., that is, of Dr. Buhl. It reads as follows, and I quote, "I have received your friendly meassages, and I have submitted them to the gentlemen of the Creditanstalt, and I have gained the impression from the discussions that it might very well be possible to discuss the questions mentioned by you and to come to agreement about them, since all of us are interested in a loyal and agreeable, pleasant cooperation in the interest of our plants."

- 4. The prosecution then continues on page 26 of the trial brief, and I quote, "We also have shown that as soon as Austria was subdued the Creditenstalt abandoned its resistance." What can you say about that?
- A. I did not participate in the negotiations immediately after the Anschluss, to be sure, but I know that through the climination of the customs barriers the economic interests of the Skoda with Titzler were very much endangered. It is beyond any doubt that Pollak, who understandably was terrified by the Anschluss because he was a Jow, as well as Joham, now had the desire that Farben should undertake the clear leadership

interest of both sides.

- q. Dr. Ilgner, the prosecution claims that Farbon exerted a pressure on the Creditanstalt, is that correct?
- A. One single fact alone shows that this assertion by the prosecution is completely untenable. Immediately after the Anschluss a law for the protection of the Austrian industries against foreign infiltration was created. This is prosecution document, Exhibit 1058. This stopped the transaction. It would have been easy for the Creditenstalt if it had unnted to do so, to protect itself under the cover of this law. And the unpopular Farbon industry. I morely point to the appointment of commissars, would cortainly not have received the approval then. This can be gathered from the situation, beginning of May, ith the commissars. But on the contrary, two applications were made. The Creditenstalt, that is, the Austrian firm made one to the Reich Corman authority which was competent for it. That was Prosecution Edichit 1040. This shows clearly that the Creditenstalt cortainly rade an effort to get the approval.
- Q. Dr. Higner, but now the Prosecution says on page 27 of its trial brief that the Creditanstalt, despite intimidation and chaos in the first few months, did find the courage to show its true feelings, and it quotes Exhibit 1071, which you just montioned yourself. In other words, the application of the Austrian Creditanstalt to the Austrian Ministry of Commerce and Transportation, that evidently is a contradiction. Yould you please comment on this?
- A. The document, which is being discussed here and which is already dated li days after the Anschluss, proves to be sure, what the true feelings of the Creditanstalt were, and I quote, "The conferences concerning the transfer the share majority are conducted in the knowledge that this regulation needs the approval of the competent authorities and we ask hereby that the honorable ministry give us the approval for this.

  'e, therefore, have been glad to comply with the suggestion of Ferben that Mr. Guenther Schiller is to be appointed a Verstand member of the powder factory." Nothing is said here of intimidation and chaos.

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Q. Dr. Ilgner, the prosecution in order to support its claim also mentions the affidavit of your colleague, Haefliger. This is Exhibit 1084, book 53 in which there is the following sentence. I quote, "But time was in favor of Dr. Ilgner". Mr. Haefliger already testified on the witness stand about this. It suffices if you very briefly mention your point of view.

- A. Iell, I believe that Mr. Heefliger has made such a clear withdratal string that he was listaken that I merely that to point to a few details to complete the proof, in Heefliger was cussed here to draw up a long affidavit without documents, but on the same subject he made a file note on 6 April 1938. This his also been introduced by the projecution as Exhibit 1072, and while in the prosecution affidavit of Ar. Hiefliger, which was able, I think on 1 May 1947, at the beginning of the tiral, there my name is contained more than 50 times, and in the file memorandum of 1938, it isn't mentioned at all, only in the distribution list, on the third place but the last. I merely a need to show that because it throws a certain light on the matter.
- davits of Johan and Acttenberg in order to show how these two man felt and behaver after the anschluss during the negotiations in reference to the Skod. etzler Lorks. Please comment on this exhibit briefly.
- erted on the part of Farben. Furthermore, the conduct of John at that time can be clearly gathered from the documents.
- gain, thich the prosecution has introduced, in order to prove that the price which was paid was too low, is that correct?
- by Mr. Rudolf Fischer. He informed he of them later and I change the following bout them. If r. Johan says that he had no decisive argumence after the inschluss, then that is group, too. Ar. Johan realized absolutely a completely full member of the Creditanstalt until the pair 1945, until the end of the var, that is. Dr. Rudolf Fischer, who as already been mentioned, conducted the negotiations in Vienna, in 1936, with the Credit instalt, that is to say, with r. Johan is the main negotiator, took me that after the serious conflict between MS authorities and a roben had

been settled. Ir. Johan struck a very tough bergein during the price negotiations, and ar. Johan at the time was the decisive negotiator. Mr. Johan, therefore, is in error in his affidavit of 1947. Then in the fall of 1933 the shares of Skoda works etaler were acquired, then Dr. Fischer told me in Berlin, and I remember this pretty exactly. Those were his words: "Well, there we really had to pay a high price, much higher than was offered us years ago, then we could not arrive at a decision in Farben, but that is typical of Farben. We can't buy cheaply. Le are too fine for that."

- The Hou did Mr. Johan come to ask for a higher price than he did before, then you just said before that because of the elimination of the customs frontiers the economic basis of the Skode Wetzler Jorks had deteriorated.
- respect. Hr. Joham is an extremely able businessman. He saw very quickly that Farben, was "Persona non grata" with the NS authorities. Furthermore, the law against infiltration by foreigners which I alread mentioned
  gave him an opportunity to take cover behind it, and he had the opportunity to sell at a better price. He now turned the tables, and in the
  letter of the Creditanstalt to the austrian Ministry of Commerce and
  Transportation he states that through the reunion of austria with Germany the enterprise had much better prospect for the future and this
  circumstance has to be considered in the evaluation of the plant. By
  colleague, Maefliger, has already spoken about this on the stand.
  - Q. Dr. Ilgner, how was this price finally arrived at?
- and the auditing chief in Parben, Director Dencker, was twice in Vienna, in 1936 and in 1938. And at the request of all concerned, he undertook a detailed examination at Skoda works Notzler. While he was in Vienna he was surprised by the anschluss. He later continued his work and on the basis of a very thorough examination he arrived at a price of 150 percent.

- The documents mention a trustee company. what result did they arrive at?
- not known to me. The Austrian trusteeship company which at the request of Mr. Johnm, was appointed after the Anschluss, arrived at a market value of 200. Mr. Dencker at that the told the trusteeship company that its estimate was based on the high protective tariffs prevalent before the Anschluss and on the situation of the Austrian Chemical Indus ry which was then designed as unsound by Mr. Pollak. Mr. Dencker and his associates, the auditing experts of I.G., arrived at the result that 150 percent was a proper and reasonable price.
  - Q. How much did I.G. actually pay?
  - A. 100 percent. That is considerably more.
- Q. The prosecution further claims that immediately effor the anschluss the leading men of the Skoda Tetzler Torks and of the Credit-anstalt were removed and Ferben employees or party functionaries took their places. In this connection, the prosecution mentions a number of names, that is, Pollak, Acttenberg, Englacender, and Johan. Places comment on this.
- Q. Those claims are partly incorrect, partly misleading. The Creditanstelt was no business of Farben, that is, Farben had no decisions to make about what happened in the Creditanstelt. Furthermore, ir.

  Johan remained a regular Vorstand member with all rights, until 1945.

  Is to ir. Pollak, whom I unfortunately never got to know, I always heard that he had suffered a heart attack at the mement when he was to be arrested. This is very sad, but it is different from what is said in the document offered by the prosecution. I know that ir. Schiller was a friend of ir. Pollak, and that he did everything he could for him. Inglander, the colleague of Pollak, on 17 January 1939 that is, I most a year later, a pears in one of the documents introduced by the prosecution, namely, Exhibit 1099, and he appears there as a General Director of the

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Skoda Lorks Letzler, and of the Chemical Factory Magemann, Scyool and Co., Vicnoz. In other words, he could not have been dismissed into distely after the Enschluss, but that also was a business for the Creditanstalt.

- The presecution also claims that Farban used connections to Nazi authorities in order to acquire the shares of the Skoda Letaler Lorks. Is that correct?
- thing. It was different. The reason why Farben looked for connections in Vienna was that, first of all, because of its pro-Jewish attitude, it had been put into a very difficult situation by the Party authorities.
  - 2. ould you please describe this difficult situation?
- A. I will be very brief, Dr. Math, because I have alread touched upon the Collisser metter. In the beginning of May, two months efter the Anschluss, that is 1938, the Party, that is to say, the weich Commissioner for Private Industry in Austria, sent two commissers to Merben because of our attitude as to the Jewish question. That was because te had done nothing in this matter and because of our non-cooper than with the Vienna agencies. In 1937, on 22 September 1937, Furben had intended to form a new company by consolidating the old interestsof Farben in .ustria and at that time, that is, four years after the .nschluss -pardon me, after the seizure of power in Germany -- we had decided to newly hire two Jewish gentlemen for our firm. These were President Philipp and General Director Pollak. That did not remain hidden to the Party. Such things are talked about, and ir. "oth of whom I have repestedly spoken, our confidence man, was the ZETI confidence and for five countries in South-Eastern Europe until the Anschluse, and all this was the reason for my personal intervention in the commissor motor. Ly old assistant, Gunther Schiller, whom I had sent to Vienna to five a backing to .r. Noth, was very anti-Jasi without having the talent of being able to hide it. He therefore had very severe disputes. I has ordered, to do that with the support of ar. Maefliger for the chemical field, hr. Sugler for the dye stuff field and Gettinesu for my personal assistance. The matter are very serious then. Il firms of the Monzern, all sales combines, bout a dozen of them, were all under the control of Party commissers and that was a contagious disease. In the meich we had long

feared the commissar in Farben and we thought that such a thing would spread, and in this situation I asked my former employee, Dr. Mensana Neubacher, who, in the meantime had become Mayor of Vienna, to intervene with the Meich Commissioner for Private Industry so that he wouldn't be too tough on us. That was the reason why I used the connections to Mr. Meubacher and that was our, I cuote, Winfamous attitude in the Jewish question.

- I. I come to the second Austrian subject, Deutsch-Matrei. The prosecution claims that the transaction with the Carbide Works Deutsch-Matrei and the Austrian company Dynamit-Mobel is to be considered as plunder and spoliation. Did you participate in the negotiations in Budapest in the summer of 1938, which led to this contract?
  - .. You mean the tripartite agreement?
  - Q Yes.
- of the 9th of July 1938 in Budapest. I personally participated in it, and, together with Dr. Kersten, I signed it for I.G. Farben.
  - . Places tell us to whom the two companies under discussion belonged?
  - A. To the company Dynamit ... G. Bratislave 100%.
  - To them did the Dynamit Bratislava belong?
- the Pester Nungerian Bank, Budapest, to about 20 to 25%. Both together about 75% That is more than the established majority which, according to the statute, amounts to 66 2/3%.
- 1. Fore these two partners in agreement with respect to the transaction which was to be carried out?
- A. Yes, absolutely. It was, so to speak, an internal trans otion. Both parties were so much in agreement that they concluded a pool agreement and a friendship convention at that time.
  - . The took the initiative in the Budapest negotiations?
  - ... The driving force was Erwin Philipp, the president and general

Dynamit Bratislava. He conducted the negotiations, together with Dr. Faul Nueller, the General Director of the D.G Troisdorf and Excellency Puelceb leiss of the Pest Hungarian Commercial Bank. These three men were the main negotiators. That is, the two main shareholders and the selling company.

- 1. Dr. Ilgner, about this question . Dr. Mayer-Regelin h s made out an affidevit. This is Exhibit 1104 in Book 53. The was Dr. Mayer- egelin?
- A. Dr. M. th, Dr. Mayer-Wegelin had nothing to do with .11 these negotiations, but I see I made a note here which I might mention in supplement to my inswer. You had asked me who was the driving force and I wanted to say something about Erwin Phillipp. Brain Phillip said at the time, for the Dynamit .G Pressburg, that the elimination of the customs frontiers between Germany and Austria, created a very difficult situation for the Austrian plants of the AG Dynamit Pressburg and in order to remain able to compete, large investiments would have to be made which he, however, was not willing to suggest to the Verweltungsrat of the Dynamit .G Pressburg. I would like to say here that so letimes I say, "Pressburg" ind sometimes I say "Bratislava". Bratislava is the Slovak expression for Pressburg. It's the same thing. Therefore, he had decided to sell this techmicelly obsolete firm. For Erwin Philipp there was a personal considerttion, too. ..s already mentioned, he was a Jew. Therefore, fter the inschluss, he did not went to set foot on instrian soil anymore, and we had complete understanding for that. and new I want to say once more that apart from these three main negotiators, a number of other men participated, but the arm about whom you asked me, the one who made out the raffid wit, he wasn't there at all. He was the legal collaborator of Dr. Buhl for the Legal Department Chemicals, but he had nothing to do with this transaction and I never saw him during it.
- Q. That will be corrected then. Dr. Ilgner, what caused the Pest Hungarian Conservial Bank to agree to this transaction?

- transaction as economically reasonable and fair, it had a special interest in the precise of I.G. to madernize the entmoded and completely obsolete work in in tislaw. By technical colle gues in Farben called it this is a German slang expression just an old shack. Beyond that, Farben had promised technical help for the subsidiary companies of Bratislaw in Yugoslavia and Eungary and Roumania.
  - Q. Or. Ilgner, did F. roen keep its premises?
- that Pressburg is today the most modern chemical factory in all of South-Eastern Europe, including austria, whereby the value of the shares of Br tish value and a great deal, but also the subsidiary companies the plants of the Dynamit Bratishava in Yugoslavia, Mostro Bosha Jajec, in Fungary, the J F ri Roban Ye and in Roumani, the litrations, were an ended with the help of Farben or modernized.

% The Prosecution says in the Trial Brief, pert II, page 26, under point 23, and I quote:

"But we know that Farben here again, in order to reach its goal adopted and used for its own ends a low outgrowth of Nazi ideology by advancing the argument that the two corporations, if not now sold to Farben would be considered Jewish enterprises."

In this the Prosocution refers to the affidavit of Mr. Mayer-Megelin, whom I mentioned before, from the year 1947 in which, among other things, the following words are used, and I quote:

"Difficulties as Jewish enterprise."

I ask you did this consideration play any part in the whole transaction?

" No. The claim which I already treated in another connection in reference to the Skoda Metaler Morks, is objectively speaking, very superficial and implicative. I merely give the following facts. On the Hungarian side, two Jews negotiated with us, Excellency Fuelcop leiss and Excellency Chorin. On the side of the Dynamit A.G. Bratislave, again two Jows negotiated with us or had a decisive part in the negotiations, Erwin Philipp and his colleague Freund. Erwin Pailing was almost seventy years old. Excellency Fueloop Meiss was very friendly to Farbon. He was also a friend of Paul Mueller and of me personally. The agreements which were concluded were drafted and worked out mainly by those two gentlemen and they were signed in complete agreement with us. Er. Layer-Megelin in his affidavit, Prosecution Exhibit 1104, has said himself that the Jewish question was no argument since it would have been easy for the Dynamit Presseurg to appoint a new president in its Austrian subsidiery, Carbide Lorks Doutsch-Matrei, because this was an internal matter, but they didn't even do it. Neither in Czechoslovskia nor in Hungary were there any German troops in the summer of 1938. It was peace. to negotiated with friendly partners in sovereign and free countries.

- Q The established the purchase price of four million marks and who suggested the type of payment?
- A Erwin Philipp, the president and general director of AG Dynamit Bretislava.
  - Q Did the payment of the purchase price take place in one sum?
  - a No.
  - Q Thy not?
- A The participation of the Carbide Works Deutsch-Latrei and of the Austrian Dynamit were accounted in Bratislava to twelve million crowns. That is 1.2 million Reichsmarks. Any greater profit would have been taxed away to the extent of 66%. Erwin Philipp thought at the time that it would be senseless to give the state any unnecessary profit taxes. He said literally to just throw it into the clutches of the state. He therefore suggested a method as to how one could save taxes and proposed a breaking up of the purchase sum into one payment of 1.7 million Reichsmarks and an instalments payment for the rest of 2.25 million which, for tax considerations were to be dressed up as yearly instalments.
  - Q Dr. Ilgner, who drafted and worked out this draft of the contract?
- The two decisive men of theselling company. That is, Erwin Fhilipp and Director Fround.
- Q Now, the Presecution says, in Part II of the Trial Brief on page 28 under Point 23 and I quote:

enterprises for no consideration at all. As the evidence shows, the enterprises had continually paid dividends at a certain rate. Under the contract Farben was to go on paying the fixed amount of the usual dividend for 25 years, and, in turn, to receive the enterprise at once, giving nothing else in return. Economically this is the same situation as if one were to acquire a \$1,000 bend bearing 3% interest, maturing in 25 years, by just paying to the "seller", up to maturity, the 3% interest he would have received anyhow, and

getting the \$1,000 principal for no consideration whatsoever."
Please comment on this.

- A Moll, I'm sorry, but the Prosecution has made a very serious mistake in their thinking. An industrial enterprise is something completely different from a bond bearing fixed interest. In this respect the comparison is completely misleading and is wrong. The profits of an industrial enterprise depend on many facts and they're often not certain. That's why the expression "industrial risk" has been coined. About the particularly great industrial risks for the Austrian industries after the Anschluss - namely because of the olimination of the protective tariff I have already spoken about repeatedly. But Mr. Philipp he was both. He was a banker and he was an industrialist and he know all this and he did not want to take this risk but he also did not want to invest any money. That's why he wented to sell those plants to the mother companies. For the majority sharcholder, the DAG Troisdorf, this whole transaction was an internal question of grouping since, at any rate, it had to modernize and this, in any case, cost its own money.
- Q Do you know whether the companies, before 1938, always paid dividends regularly?
- " No. For example, as far as I remember, Doutsch-Hatrei once was without dividends for four years at a stretch.
- Q Then and in what form did the administrative council (Verwaltungsrat) of the selling company, that is the Dynamit ...G. Bratislava agree to the sales contract?
- A The Verweltungsrat (administrative council) of the A.G. Dynamit Bratislava approved this suggested price and this contract, to my recollection, in an administrative session of the Board of Directors in the Fall of 1938, unanimously. That is a long time before the German invasion of Prague and long before the declaration of independence of Slovakia.

- Finally, Dr. Ilgner, please tell us briefly what was the atmosphere during the negotiations in Budapest?
- As they would be during negotiations between good old friends.

  Very cordial and fair. We were repeatedly the private guests of

  Excellencies Weiss and Chorin and we so not very many pleasant hours
  together.
  - G For the sake of completeness, I ask you, was any pressure exerted?
- .. You understand, Dr. Nath, I must answer your question that, after what I said previously, such a question must be designated as grotesque. Of course, pressure was not exerted in the least. It was a completely friendly agreement between friendly partners whose interests were parallel.

- Q Now I come to a new subject matter to the subject Aussig-Falkenau. On page 29 in Part 2 of the Trial Brief the Prosecution treats the acquisition of the plant Aussig-Falkenau. What can you say about this transaction?
- a I would like to give you a brief historical survey. The so-called aussiger Verein was a Southeastern European industrial concern with factories in all Southeastern countries - that is in Czechoslovakia in the Sudeten Girman area, as well as in the Czech area, and in Slovakia, in Yugoslavia, in Hungary, in Rumania. The majority of this e meern was controlled jointly by the Belgian concern Solvay which was friendly to Farbon, and by the Czoch bank Zivnostenska Banka in Brague. It was clear to all perticipants that the majority shareholders of the Frager Verein, namely the Zivnestenska Banka and the Belgian concorn Solvay , after the coding of the Sudetenland to Germany, on the basis of purely business considerations, and considering the very serious tension which then existed between Czechs and Germans, had to come to the conclusion that the factories situated in the German areas which were now to fall to Germany and could not possibly be controlled by a Czech management in Prague, On the basis of this conclusion, the majority shareholders probably came to the conclusion to sell. That, in my opinion, was the situation before and after launich.
- Q Do you know who conducted the negotiations with the majority shareholders? That is with the Zivnostenska Banka?
  - " To my knowledge the Dresdener Bank.
  - Q the told the Dresdener Bank to do that?
- The Dresdener Benk had a majority interest in the Chemical Factory Heiden. It had the chairmenship in the aufsichtsrat. I don't know the history of that so exactly but I know that at that time in agreement with Chemische Heiden and probably in agreement with the official authorities, the Dresdener Bank took up these negotiations it was Director Zinser and they did so because the chemical factory

Heiden near Dresden felt itself very strongly affected because these large scale plants, Aussig and Falkeneu, which were only about forty kilometers away from Dresden, were now also within Reich German territory.

- R Las Farbon also affected by these matters?
- " Yes, first of all by the fact that here there was a production of dyes. But probably some of my colleagues will have something more to say about this.
  - . Thy wore you called into this transaction?
- The compotent for the Central Finance Administration. Around the middle of October I participated in the magnifications essentially to realize the purchase price which was fixed later. It was a question of transfer and of financial technique and there was also a minor question which affected the shareholders of the old Prague Verein who were living in the Sudenten area. They wanted to have the Farben and Heiden shares instead of the Prager Verein shares, and at the request of Sudenten German economic agencies Farben said they were prepared to effer an exchange to these people living in the Sudeten German area. It was a small matter. Heiden and Farben exchanged not even one percent of the Prager Verein capital. It was merely a courtesy,
- Q Did you yourself participate in negetiations in which gentlemen of the Zivnostenska Banka and of the Prager Verein participated?
- "Yes, I recall two negotiations. One of them in the building of the Bresdener Bank. That was the one which has been repeatedly mentioned, of 7 November. The other, the final session, was in the building of the Leenderbank where I have my office, on 7 December. On the Czech side Excellency Preiss participated, he was the president of the Zivnostenska Banka. He was also chairman of the aufsichtsrat of the Frager Verein, chairman of the Board, if I remember correctly. Then there was the director Dvoracek, who has testified here. Then the newly appointed General Director Basch, and the later General Director Martinek. Besides that a lot of people from Farben and from

the chemical factory Heiden.

- Q Please tell us very briefly what was the tone and the spirit of the negotiations.
- and the manner was objective and polite. Excellency Press and Mr.

  Diversock was very objective and factual. Mr. Basch did not always seem to be quite in agreement with the decisions of his two chiefs

  Preiss and Diversock, but these were internal matters of the Czech group.
- Q The Prosecution claims that in the final negotiations there were seenes is that correct?
- I was not present myself but I consider that out of the question. On that evening I left a little early it had become very late my illness began at that time but since Mr. von Schnitzler conducted the negotiations semething like that would be unthinkeble for me. To be sure I must say that all participants were tired. But the Czech contlemen wanted to have on the next dry and they pressed for completion, and therefore the session lasted so long. There can be no question of any pressure or restriction of movement. On the next morning we drank champagne together. Therefore the mood could not have been so bad.
- A You just spoke of a friendly spirit on the part of the president of the Zirno Bank, Excellency Preiss. This there a friendship agreement between the Prager Verein and Farbon after the carrying out of the sale of the Aussig-Falkonau plant?
- "Yes, such a friendship a research was concluded. That included quite a number of points. The point which interested me concerned the friendly cooperation concerning the mutual Southeastern participations. There were a whole lot of them. In Hungary there was the subsidiary of the Prager Verein, the Hungaria, and our firm was the Ipari Robano Veanjac. In Rumania the Prager Verein had the Harasesti and our concern had the Nitramenia Prima Societa and in Yugoslavia the Prager Verein had the Zorka and we had the Elektro Besna Yajee.

- Q New Mr. Ilgner, did such a friendly cooperation come about later?
- remained and especially as long as the Zirnostenska Banka had the decisive part. Of course, as concerns, we were friendly competitors, but it was an intelligent and economically reasonable cooperation. Braven Schnitzler and I, at the end of 1940, together went to Proque for this purpose, and we found a very friendly and cooperative attitude there. We were private guests of Excellency Proiss in his own private apartment, but in the process of this friendship agreement practical matters came up. Thus, for example, an industrial cooperation came about in Pressburg. There Farben, together with the A.G. Dynamit Bratislave built a new artificial fibre factory and this firm was called Chemical Industry Pressburg. We invited the Frager Verein for this purpose and they participated to the extent of forty percent and this became the most modern thing in the artificial fibre field which I.G. ever possessed.
- Finally, concluding this sector, Dr. Ilgnor, please comment on the represent of the Prosecution who designates this transaction as spoliation and clunder.
- .. Dr. Nath, if this is plunder and spoliation then all normal international business deals are spoliation and plunder.
- DR. MATH: Your Honors, I am at the end of one subject and I permit myself the suggestion that you might call a recess.

THE PRESIDENT: Very well.

18 11 roll & - -Sh-22-h-Friedu (von Schon)

THE DEEPL: The Tribunal is again in session.
EVER. M.TE:

i. Fr. Ilgner, we were talking bout Count II of the indictment and the subject of Folind. I have only one single question on that subject. In Part 1 or the trial brief on page 10% in connection with reland there is the following sentence, and I quote:

"On 2 July 1939 the ' Most Important Chemical Flants in Poland', under the title of a conference report was propered under the defendant Thyper."

Do you has this report of which the Prosecution submitted three ex-

- of the VOI, dozens of which were constantly being prepared. I have already testified have arem the witness stand that the VCLI in 1934 or 1935 or at the time of the ariendship Pact with Filsudsky as interested in the Polish a risk and at that time prepared an extensive a risk and years treating especially dyestiffs in Foliand.
- 7. ov, on the 28th of July 1939, as the Prosecution contends, did you have new work on Folland propared?
- from Berlin for six menths by them, but I have discovered this is a new edition such as more often prepared.
- . That is enough of this subject. I now came to the substian on mussic. Dr. Elgher, did you have anything to do with the Eussian problems thich have came up for discussion here?
- 4. At the exception of 1 few personnel questions in the summer of 1941, I had no official contact with the Russian problems.
- . Ca go lo, port 2 of the tri 1 brief, the Prosecution speaks of three documents, Lohibits 1169, 1170 and 1171, in book 63, spring that the contents of these documents, and I quote, "became generally know in Germany."

Did you, Dr. Tigner, know these documents? Did you her of their contents?

- h we rule them them and I never heard of their contents but I have rule them through here and I must say I am estendshed at the allegations of the Prosecution. I shall quote only from Exhibit 1169, a few hardings: "Top Scared," "Secret heigh latter." That is something of the Reich government, only for official use. In the same way the other two exhibits are secret official documents which, of course, were by no means generally known. They could not be generally known.
- 1. Mr. Ilghor, the Prosecution bloges the same thing of four other documents. Jo you know the ones I -m thinking of?
  - a. I have read them through and I can say ex ctly the same of them.
- . On gree 16 of the trial brief the Prosecution cites Dehibit

  1175 in Book 63. Did you know the report of the E stern Li ison office

  of 3 January 1942?
- I am sure I received it, because I am on the distribution list. hether I read it or not, I cannot say today. I do not consider this of decisive importance.
- 1. Or. Illgefor, we will heave that up to the Tribunal. On page 15 it the bottom of the trial brief the Prosecution says, and I quote:

  "For from objecting to these inhuman methods, I.G. Forben was interested only in securing for itself a share in the booty."

The Prosecution refers to the Verstand minutes of 10 July 1941,
Exhibit 1177, Book 68, English p.go 47, Garman pige 42, statements made
by you about the tring in the Reich Hinistry of Aconomics. Do you see any
connection there -- and please connect.

- a. In my opinion, there is not connection tell. The Prosecution document specks for itself. It discusses only personnel cuestions and trustse functions.
- Q. Do you much by that the same personnel questions which you mentioned before, which you said was the only official contact which you had with the Russian problem? Please describe them.

A. It is a the beginning of July 1941, shortly ifter the outbrack of the workth Lussia. The Chemistry Refer t of the Reich injetry of Economies called maeting in the building of the Acieh Linistry of Economies itended by very 1 rge number of chemical industry lists.

Of Firbon, Cater, Bustefisch, ambros and I were present, as the minutes of the Verst ad Exhibit 1177 show. I quote:

"Primarily this was a metter of the putting down of the names of associated called up for service the had been responsible for technical and similarizative functions and were suitable therefore for 'deping the chemical implistry in the former Soviet Union territory running." That was the versonnel question.

- . That did Farben do?
- decided that all Ferbenagencies were to report to the office of the Communcial Communities the names of such employees as were drafted and had some knowledge of the Eussian language or Eussia. Three days beforehend, on the 7th of July 1941 at a mail conference at my office, includintely after the matter with my associates and I had arranged that such a limit be prepared for my office.
  - 3. s this list submitted to the inistry of Economics?
- It was possible that these men on the list might be brought beak from the front.
- O. In the same paragraph on page 16 of the trial brief the Prosecution mentions the question of returning to private concrship. Was this question of any significance at that the prosessing the private concrship.

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A.- No, it was not acute and it never became acute. In the Prosecution Document, Exhibit 1177, the Vorstand minutes of 10 July, 1941, there is a very clear statement, and I quote: "The owners of the chemical enterprises will be primarily the Reich, to whose account and at whose risk the enterprises will be operated."

Q.- Dr. Ilgner, did you not comment on this subject in your affidavit of 10 April, 1947, in Muornberg? That is Exhibit 1209, Book 64, English page 38, German page 64.

A.- Yes, but I have to make some corrections. First of all, in my affidavit — that is to say, in the formulation of my affidavit — I said as I always did that I dealt only with personnel questions, and I add:

"I do not know, however, what the original aim of Farben was in participating in the Eastern companies, aside from suggesting personnel by order of the Government." But Mr. Meymann, the interrogator, was not satisfied with that and tried to get me to say something further. He wanted me to make a hypothetical statement, and unfortunately I agreed, and this has to be striken now. I did that in a separate affidavit and I therefore need not go into it now.

O.- In the Vorstand meeting following the meeting in the Reich Ministry of Economics, did you report the order of the Ministry of Economics to draw up a charter for the Chemie Ost D.m.b.H. which was to be founded?

A.- Yes, these minutes are Prosecution Exhibit 1177, also in Book 65, and I quote: "Farbon received the assignment, together with Kali Werke, the Deutsche Solvey Werke, and the Mitrogen Syndicate to draw up the charter for the Chemie Ost G.m.b.H."

Farben therefore did not attempt to obtain an interest, but carried out a Government assignment to work out a charter.

Q.- But the Prosecution says again, on page 17 of the trial brief, paragraph "C", that Farbon attempted, and I quote, "... to send their people as Vorstant members into the Aufsichtsrat or the directorates of such

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man page 17. What do you have to say about that?

A.- "ell, Dr. Math, I believe the Prosecution completely misunderstands the whole situation. On the initiative and by order of the Reich
Ministry of Recommics a trustoeship company was formed, and industry was
allowed to supply its services free of charge. That was no business transtetion. That was an administrative agency set up by the Government. As
for the sending of Dr. Millibald Passarge to the management of the Chemie
Ost G.m.b.H., that again was a decision of the authorities. I shall read
again from the Prosecution document, Exhibit 1177:

"At Dr. Ungewitter's suggestion, Farben suggests Dr. Willibald Passarge as an outside man and representative of Degussa, that is the Deutsche Fold und Silber Scheideanstalt, in Frankfurt-on the-Main" as an administration. "Farben declares itself on principle willing to assist." That was the resolution of the Verstand.

Q .- The was Tr. Ungowitter?

A.- Dr. Ungowitter was the head of the Economic Group Chemical Industry and also the Reich Deputy for the Chemical Industry. He took charge of Chemic Ost G.m.b.H.

9.- On page 18 of the trial brief, in the last two paragraphs of the chapter on Russia, the Prosecution deals with Prosecution Exhibit 1176, Eook 63. These are minutes of a mail conference in Farben, Berlin N1 7, of 7 July, '41. I shall quote: "As early as on the seventh of July, 1941, that is less than three weeks after the attack on Russia, the defendant Ilgner ordered Dr. Bierlichs to make suggestions for the reorganization of Russian enterprises under German management."

What do you have to say about that?

A.- First of all, this all belonged to the beginning of the chapter on Russia. The Prosecution by mistake deals with this matter twice; that is confusing. The same incident is discussed on page 16, at the bottom of

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the trial brief, Exhibit 1177, which I have already discussed at some length.

Q.- Dr. Ilgner, how do you explain the addition on page 18 of the trial brief, the last paragraph of the chapter on Russia? I quote:

"According to the pattern of Aussig Falkenau....."

\*.- The mail conference of NW-7 took place immediately after the conference in the Reich Ministry of Economics. During this mail conference I told my associates of the assignments which I had been given by the Ministry of Economics. Since the same Chemistry Department of the Ministry of Economics, at whose instigation this entire conference took place, was the same which two years before — that was in 1938 — had handled the Aussig-Falkenau matter, I would assume, at least it would have been very natural, if the Reich Ministry of Economics had made such a remark. I cannot, of course, recall these details today. I only know that this matter became of unimportant because in the meantime we had been ordered to work out a charter. It is an unimportant episode.

DR. NATH (Counsel for defendant Ilgner): Mr. President, I have yet to discuss Norway, un'er Count 2. I have asked my colleague, Dr. Bachem, to help me carry out the examination about Norway in my place. But first of all I should like to finish the questions that I have to ask Dr. Ilgner. Since we are now coming to Count 3, I would also like to discuss Count 5 very briefly and then my colleague Dr. Bachem will ask the questions about Norway.

THE PRESIDENT: Very well.

## BY DR. NATH:

Q.- Hr. Ilgner, we now come to Count 3. First some questions about your general knowledge, Did you know that foreign workers were employed in Germany?

A.- Of course. Toward the end of the war I myself had some foreign workmen in my administrative offices from time to time.

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O .- We will come back to that. Please tell me if you know anything about compulsory labor.

A.- As a commercial man I had no contact with the basic questions, and therefore I had no special knowledge. Besides, Dr. Hath, today, in 1948, after having been told so much in the interrogations for three years, it is difficult to say exactly what knowledge I had then and what I did not have. Today we all make the mistake — and made it primarily in 1945 — under the mental pressure of the collapse, of thinking that things we had learned only after the war from the interrogators date further back.

Q .- Mr. Ilgner, were you not interested in such things?

A .- I have to explain that, Dr. Math. This applies quite generally.

You are able to judge conditions correctly. Everyone had plenty of work and worries, and was not able to take an interest in things which did not belong in one's own field. And when, later, the terror air raids came, with all the misery and the severe trials for everyone, then it was simply more than the individual could do to take an interest in things no matter how significant which were not his responsibility they were.

O.- Ir. Ilgner, what did you know about labor in Farben?

A.- Of course, I was informed that Farben employed foreign workers.

I, of course, assumed that Farben also employed prisoners-of-war. That
concentration camp immates were employed, I did not hear. That was only
because I was hardly ever at a factory during the war. I was travelling a
great deal and besides I had no business with the production sites.

Q.- Was the employment of concentration camp inmates discussed at Vorstand meetings?

A .- No.

Q.- Dr. Ilgner, will you please pause efter my question?.... Did you know how foreign workers came to Germany? 18 Harch-A-FL-23-5-Schwab (Int. von Schon)
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A.- Yos, I heard that the G.B. Chem, the Plenipotentiary General for Special questions of the Chemical Industry, tried to obtain foreign workers, on a voluntary basis, for those plants in the chemical industry with which it was connected — that included Farbon. However, that was no reliable knowledge, Dr. Math.

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- Q. What did you know about the treatment of foreign workers in Farben?
- A. I never had any doubt that they were well treated and I do not doubt this even today. In the interrogations here in Murnbarg, I stated repeatedly that I would put my hand in the fire for that, and I would do so today. Farben was the enterprise in Germany which was leading in social welfare. That was a very old tradition in Farban. I should like to add a remark of a national economy nature. For example, as compared to steel and iron industry, Farben with the same amount of capital, amployed only a tenth of the number of workers. "e were intensive as to capital and extensive as to labor. This makes it obvious that social welfare matters were first-class in Farben. We had the greatest interest in treating all the workers well because of the valuable apparatus, quite aside from any humano considerations. I recall hearing during the war that Leura had set up a number of different kitchens for the different nationalities. It impressed me thet such a big plant was able to treat its Foreign workers so humanely and so cleverly from a psychological point of view.
- Q. Dr. Ilgner, you said in the beginning that you, yourself, toward the end of war, at times had foreign workman in your office.

  Can you tell the Tribunal about this so that the Tribunal will be able to see your attitude towards the workers with whom you came in contact?

  First of all, what were these workers used for?
- a. To build office huts and emergency homes for Na/7 for the evacuated plants at Bug and Kneden and to repair bomb damage to the administrative building in Berlin.
- Q. Where did these workers come from and how did they come to you?
- Q. They were put at my disposal from time to time by individual Farben plants just like any German worker. They came by railroad quite free and independent.

18 Mar 48-A-AJ-24-2-Gaylord-von Schon Court 6 Case 6 workers given to you by the I. G. plants?

- Q. Did you have any rules for the treatment of these foreign
- A. No. not at all. These foreign workman lived just like the German employee. They lived in the same barracks where the Germans. lived and received the same food. They lived in the same rooms at the same time as the Germans.
  - Q. at your evacuated offices, did you have any other foreigners?
- A. Yes, I had three, and at the end, four French prisoners-ofwar, and about 30 to 40 Lithuanian refugees.
  - Q. You say "refugees." Where did these Lithuanians come from?
  - A. They had fled from the Soviets.
  - Q. Were the French prisoners-of-war under guard?
- A. During the day they were completely free. One Frenchman was a coach man and he drove every day sight kilometers through the woods to the railroad and back with two horses. Sometimes they worked without any supervision in distant fields or by themselves. Cne Franchman, I have already mentioned him, Pierre Vernier, was a telaphone operator and checker temporarily.
  - Q. Where were the Lithuanians housed?
- A. Just like the German employees: in emergency homes and rented farm houses.
- Q. Did your foreign workers participate in the social provisions just like the Germans?
- A. Yes. everything. They had exactly the same things together with the German employees of NM/7, and I mention these things here, Dr. Nath -- I would not have done so under normal circumstances, but since the prosecution have alleged so many horrible things, we have to tell what it was really like, and therefore please excuse me if I bring up minor matters here which otherwise wouldn't have been mentioned things which were a matter of course for decent people. "e had musical evenings where they participated together with the Germans. They

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cigarettes daily. For the French prisoners of war, I had Christmas celebrations in my private home every year. I set up a little Lithuanian school for the Lithuanian children. The very small Lithuanian children want to a kindergarten together with the German children and with my own smallest daughter, Ingeborg. My elder daughter, Gudrun, was in charge of this kindergarten. My wife took care of the Lithuanian woman. We had a Lithuanian boy of 16 whbm I had working helf days with his father as an electrician's apprentice. The other half of the day he received private instructions with my son "rmain-Bernhard. At the request of some friends of the old school of the Foreign Office, I had the former Lithuanian legation counsel. Pr. Kusmitzka, take care of the Lithuanian refugees because the Lithuanian Legation had been dissolved by the Soviets, when the Soviets had conquered the country. I need not go into all these things. I believe we have enough documents about them.

- Q. Mr. Ilgner, one more prosecution document, —whibit 1323,
  Book 68, English Fage 54, German Fage 58. This is a file note of NW/7
  about a discussion which you had with Ministerial Director Dr. Michel
  on 2 June 1942 in Paris. The prosecution introduced this document
  apparently in order to show that you were informed about the compulsory
  employment of foreign labor. What do you have to say about that?
- A. This document says nothing about compulsory employment; on the contrary, it says that, "The French authorities in the so-called Sauckel drive had been promised..." and so forth. This shows very clearly that this was an agreement between the French authorities and the German government.
- Q. Dr. Ilgner, the sentence you have just quoted from Exhibit 1323 continues at the point where you broke off, and I quote, "that the machines would remain with the French owners in France." Did that have anything to do with labor, and please comment on the question which has been brought up here?

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a. No, this has nothing to do with labor committment, but that was the reason for my talk with Mr. Mickel. This was part of my suggestions for doing away with the clearing balances in southeast Europe. I explained this morning that I had suggested that in order to pay these clearing balances, machinery should be sold from the approximately 6,000 factories in Germany which have been closed, and that the owner would have a double option on the one hand, he could participate in the factory; or if he wished, he could, after the war, get the machinery back. This was to be done only in cases where the labor and the raw materials were available in southeastern Europe. My ides, therefore, was: For goodness' sake, don't bring workers from the countries here; leave them there; let them work at home. "nd now in the Norsk-Hydro negotistions, my French friends of the Banc de Paris, specifically Mr. Moreau, said to me, "Dr. Ilgner, wouldn't it be possible to employ some friends of mine, French engineers in Rumania who worked there earlier?" And since that was in accord with my idea of international cooperation for I wanted to give the French en opportunity during the war to participate in the industrial development of Pumania, therefore, I asked Mr. Michel, "Are there any industrialists in France whose factories have been closed and who might be interested in going together with some Rumanian partners and opening a new factory in Rumania?" For I knew that the French had traditionally been very much interested in Rumenia. That is the context of this document which was presented.

Q. I believe that is enough on this point. I should like to discuss enother problem with you briefly. Dr. Ilgner, in the course of your examination you have repeatedly mentioned that affidevits given by you had to be corrected. Dr. Ilgner, how many affidavits did you prepare in Nurnberg?

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- A .- I propared nine, but with a few exceptions, I did not propare them, but morely signed them.
  - . Q .- How many have been submitted by the Prosecution?
    - A.- Eight.
    - Q .- Did you have corrections to make in these eight effidevits?
- . A.- Yos, on eight of them. I have made eight supplementary affidavits for these affidavits, which will be submitted in one of my document books.
- Q.- Aside from these nine affidavits, did you make any other written statements?
  - A .- Yes, very many, about 150, altogether.
- Q.- Before you came to Murnberg, were you interrogated orally and how often?
- A.- Yes, including Nurnberg, about the same number of times as I have given written statements, so that in the three years that I have been in custody I have been interrogated 300 times orally and in writing.
- Q.- Do you have any especially important corrections to point out which you wish to make in those affidavits which have been introduced in Document Book 17?
- A.- Dr. Wath, that would take too much time and would probably burden the record unnecessarily. I have made written corrections and they will be introduced.

I should like to refer to only two things at this time. Everything that I said about the functions of my colleagues, especially my technical colleagues, is not exact knowledge and is very incomplete and inaccurate. I will have many things to correct. But this is the result if one is always asked about things of which one has no accurate knowledge.

The second thing is Document NI-67100, Exhibit 771, was introduced by the Prosecution with the heading, "Concerning the validity of statements 18 March-A-FL-25-2-Arminger (Int. von Schon)
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made by him." I think that is not right. In my next effidavit, Exhibit 377, two weeks later, I spoke much more clearly on this same subject. That was my first official interrogation in Murnberg and on this occasion I indicated the mental and physical conditions and the mistreatment under which the Frankfurt statements were made in 1945, when I was in the Proigesheim penitentiary. Under those conditions in the penitentiary my colleague Georg von Schnitzler and I suffered most. At my first official interrogation here in Murnberg, I put that in the record, but it made no impression.

Q.- Dr. Ilgner, do you have any other reasons for feeling obliged to make corrections in those affidavits, including the ones which you gave in Nurnberg?

A.— The Numberg affidavits are essentially a consolidation of the Frankfurt statements. Consequently the inaccurate notes errors and hypotheses were, of course, taken over. Here in Numberg on various occasions as I have pointed that out, that was repeatedly belittled and it was said that I had made the affidavit to the best of my knowledge and believe and I didn't have to tell any more than I knew. But at the beginning of my interrogations here in Numberg, statements were made to be doubting the reliability of my future testimeny so that you can understand that I had inhibitions against making changes. Besides I had no documentary material and my memory had not been refreshed as it has been today. It is only now, after studying the files, that it has been possible for me to establish what is true and what is not true, and thus it became very evidently nocessary to correct wrong statements.

In conclusion, I should like to remark that half of my Nurnberg statements were presented to me for signature while I was sick in bed in the
Hurnberg City Hospital. After I had given the last signature in the Nurnberg City Hospital I was taken back to the prison on the next day, although
I was not yet cured, and on the next day the indictment was served on me.

Q .- Dr. Ilgner, were you told about the purpose of your statements and

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interrogations?

A .- No, novor.

Q.- Were you told that they constituted the preliminary investigations and there would later be a trial against you?

A.-. No, on the contrary. In Frankfurt, I, Nr. von Schnitzler, and other Farbon directors were repeatedly told "Don't think you will be indicted."

Another interrogator in Frankfurt said to me and I quote, "That you are writing here is not so important. We know that anyhow. That is important is that you acquire our sympathy. That will be important for you one day."

Q.- Was it brought to your attention that you had the right to refuse to answer questions when you might incriminate yourself?

A.— I should like to add, Dr. Nath, the main reason why I never considered this possibility was that up to the last moment I never thought that such a Farben trial would be possible. On the contrary, I was not told and neither were my colleagues that I could refuse to testify. On the contrary, we were told, "If you keep anything back, then we can put you in jail for up to 20 pears, that is if you forget anything." That is how these so-called voluntary statements were made.

Q.- Here the original documents that you were testifying about shown to you?

A.- In Frankfurt, with one exception, never, but my own notes and manuscripts were taken away from me in Nurnberg. I was sometimes shown documents, but mostly incomplete ones, excerpts from them, and therefore my information was incomplete and sometimes misleading.

Q.- Dr. Ilgner, Count V, Conspiracy - this charge is still maintained by the Prosecution and, therefore, I must ask you a few questions about it. Since you have been a member of the Vorstand, did you have personal contact with all of your colleagues in the Vorstand?

A .- Unfortunately, that was not possible. I do not want to repeat

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everything that has been said about this subject by my colleagues on the titness stand. What has not been said is this: In the Verstand it was considered very undesirable to discuss political questions in Verstand meetings, but even in private offices, especially when I was with Geheim-rat Schmitz, we were afraid to say anything out loud. We put a pillow on the telephone and went over into the corner because we were afraid of microphones. We were afraid of microphones even then.

Q.- Which of your Vorstand colleagues did you see frequently between the Vorstand meetings?

A.- Frist of all my commercial colleagues in the Commercial Committee these Commercial Committee meetings were always connected with the Verstand meetings and therefore took place equally rarely. From time to time, I saw one or another colleague in connection with some negotiations, but those were only individuals it happened sporadically. Under these conditions, really close contact with my colleagues was, unfortunately, impossible for reasons of geographical distance alone. One's colleagues one saw only at the Verstand meetings, and then the gentlemen were often away on trips.

Q .- Was this a general phenomena?

A.- Yes, actually this applied more or less to all of my colleagues.

Everyone had his own circle in which he lived and in which he worked.

Q.- Dr. Ilgner, there must have been some unifying factors in the Vorstand.

A.- Yes, there was. First of all, there was the history and tradition of the founder firms of Farben which were had in common, the scientific and industrial achievements and the great personalities who had created Farben, especially Duisberg and Bosch, that was our pride and that was what united us. When Bosch died, there was the war and everything had to step back because of the compulsion of war.

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1. Dr. Ilgner, in conclusion, I should like to ask you very directly, did you at any time in any form have a conspiracy with your colleagues to plan, prepare, and carry out a war of aggression with the simultaneous intention of benefiting yourselves of Farbon by plunder and spoliction?

A .- No, never.

DR. MATH: Hr. President, I should now like to turn over the questions on Norway to my colleague, Dr. Bachem.

BY DR. BACHER (Attorney for the Defendant Ilgner):

Q.- Dr. Ilgner, in connection with the Norway case, the Prosecution quotes in the Trial Brief, page 32, Part II, Exhibit 1191, book 65.

English page 3 to 4, German page 3. This is a draft of a memorandum of Parcen on peacetime planning for Morway of 8 May 1941. What, in your opinion, does this document have to do with the Morway case under discussion that is to say, Morsk Hydro and Mordisk-Lettmetall?

- Q Fundamentally just as little as Mr. Mayer-Kuester's report which Mr. Haefliger has already discussed from the witness stand.
  - Q At whose suggestion was this memorandum drawn up?
- A By order of the Reich Ministry of Economics, department preparation order, in connection with the so-called New Order of Europe.
- Q Can you please explain why you believe that this memorandum has nothing to do with the Norwegian transaction?
- A .This memorandum, as Prosecution Document 1191 shows, was prepared only after 29 September 1941 and was sent to the Ministry of Economics only then, if at all, which I don't know. That is after the entire
  transaction at issue had already been discussed in the various Styre board
  and Vorstand meetings and stockholder meetings had been decided on and was
  already in operation.
- Q The prosecution, on page 32 of the Trial Brief, gives in part a quotation from this memorandum. I quote: "The incorporation of Norway in the Continental European economic area under Germany's leader—ship." The prosecution then remarks that this was the main idea and was worked out in detail in this report. Is that true?

A No, that is not all true. Of course, in the formulation and wording of this memorandum, Farben had to consider the directives set by the Ministry of Economics when the assignment was given, specifically the concept set by the Reich authorities, and I quote, "Continental European economic area directed by Germany". Besides the sentence mentioned by the prosecution is torn from its context. The sentence begins in the memorandum with the words, and I quote, "It must be assumed that it will improve the German export situation that if," etc., and quote, and now there follows the passage quoted by the prosecution which deals with the one-sided tie-up of Norwegian trade with England. However, I should like to point out that the whole draft in its 46 pages has 42 pages devoted exclusively to suggestions in the field of trade policy, tax questions, questions of plant sites, etc., all matters of current business which Farben reported to the authorities even in peacetime just as a

matter of routine if requested by the Ministry of Economics to report on proposed trade negotiations.

Q I believe we may now leave this memorandum which has nothing to do with the Norway transaction as such. To better understand the whole Norway transaction it seems necessary to me to ask a few questions which have nothing to do with your immediate field. I shall, however, ask only such questions as you can judge from your own knowledge or questions concerning which the prosecution has submitted documents.

A The background has been discussed here repeatedly so that I believe it will not be necessary to go into all the details now.

Q I should really like to a sk you since when and to what extent did Farban participate in Norsk-Hydro?

A Since 1927 - I skip 1905 - since 1927 Farben again held 25 percent of Morsk-Hydro.

Q Since when had you known the leading men of Norsk-Hydro personally?

A When negotiations with Norsk-Hydro were resumed after the First World War in 1927, at which time I was an assistant of Geheimrat Schmitz. I met the important men of Norsk-Hydro, Aubert, Erikson, and especially the president of Norsk-Hydro, the Swedish banker, Markus Wallenberg, Sr.

Q Did the gentlemen of Norsk-Hydro, before the Second World War express to you any wish for technical support from Farben in other fields, apart from the nitrogen field?

A Yes, these requests came up soon after 1927. I myself, as far as I recall, heard of them at least three times, i.e. on my two winter sport trips in 1932 and 1934 with my family to northern Sweden. On the way back I was a guest of Norsk-Hydro both times, and for the third time in 1938, I spent two weeks as a guest of Norsk-Hydro in Notodden for winter sports. I know that their gentlemen, especially Mr. Aubert or Sir Thomas Fearnley, Bjoern, Erikson always said they wanted very much for Farben to give the technical assistance to exploit their water power for industrial purposes.

Q I shall ask no further questions on this subject since this phase has already been dealt with.

A I should like to add, Dr. Bachem, of course I passed these requests on to my technical colleagues, Geheimrat Bosch, Dr. ter Heer, Dr. Turster, who were all interested in such questions.

Q When did you personally become involved in the Horsk-Hydro transaction during the Second World War?

A As I recall, at the middle or the end of February, 1941 I myself became involved in the light metal project of Morsk-Hydro - Mordisk Lettmetall. I would like to call that the third phase of the negotiations during the war.

Q Can you please indicate and make understandable to us, in a very few words the three phases of those negotiations?

A Prof-ssor Kraich and Mr. Haefliger and Dr. Buergin have already spoken about it. As I see it the phases were these: First phase, summor 140. Then the authorities in Norway were taking steps, especially Koppenberg who had been authorized by Goering. Farben had nothing to do with it at least Farben was not consulted. Mr. Koppenberg went directly to the Morsk-Hydro Company about certain projects. From this there developed the second phase, namely that ir. Aubert began to worry a bit. He was all alone up there with the German authorities, he went to Germany, and since he himself, since 1927, had been in the Aufsichtsrat of Farben, he went to the chairman of the Aufsichtsrat of Farben, Professor Krauch, and asked him for help from Farben, and Professor Krauch promised that Farben would help him. At least he was willing to pass on the request to the men responsible who would investigate the conditions, and that was done. Then in the second phase there arose the project, Norsk-Hydro and Farben alone, 51-49, 51 percent and 49 percent. At the last moment, when the contracts Were ready to be signed, the Reich authorities intervened and said that is no good, we want to get in on this too. That was beyond the power of either Morsk-Hydro or Farben and neither of us was very enthusiastic about it. The Styre that is the Board of Norsk-Hydro decided to participate in the project

for good reasons, which I shall come back to, and at about this time I became involved in the matter.

- Q And what was the material feason for your becoming involved?
- A I shall quote only one sentence from Prosecution Document Exhibit 1205, Book 65, I quote: "After payment of the capital for the time being a loan of 22 to 25 million kronen is to be taken up in the Norwegian market." That was the material reason for my being involved in the Norsk-Hydro Mordisk Lettmetall project. I was called in by Geheimrat Schmitz.

- The Danibit 1205 is in Dock 55, English page 76. The Prosecution of its on pages 32 and 33 of the Wright Brief that the final aim which, was proved at by the Hazi Government, as well as by Parben, was along others the following: As soon as victory was achieved, colonization of Horsegian economy. What do you have to say to that?
- A. As for the contention of the Prosecution, I believe that no one impure that Mittler's plans were in Morely after victory; I rather assume that we did not know that himself; that Farben intended a colonization of Norway, I can only call processes.
- 4. Did Farban have emptiding at all to do with the over-all planning for the expansion of light motal products in Horany?
- A. Here again I shall answer with the Prosecution document. No, nothing. In 1941 there was an air rid and the whole project was chosed down. There was nuite a hot of excite ent in the Aviation Ministry. At this tile, the Reich authorities, because of the failure of planning in Moracy, for this crasy expansion program, they were looking for scale-goats in Moracy, but Parbon at that time in the Vorstand minutes, hade a very clear formulation. This is Prosecution Exhibit 1200. All of this is in Book 65. The minutes are on 2 September, '43. I quote: "For the over-all planning of the hight metal program in Scandanavia, we, " that lease Farben, "were not asked for advice nor for our opinion".
- is I should like to come back to the description of development.

  Aside from your colleagues Exergin and Haefliger and yourself, were there
  any other leading Farben men involved?
- A. Yes, quite a number. I shall mention only the ones who had the most to do with it from the various fields of Farben. On the technical side ir. von der Bey, Dr. Il schel both from the Bitterfeld plant. From my field, from MY 7, it was Dr. Morsten who was involved in the important year of 1941.
  - . That position did Dr. Kersten have in H 7?
- A. He was Farben Probability, and one of the leading men of the H. 7, specifically the Central Pinance Administration.

- . You said before that the Styre of Nordak Hydro decided to participate in the magnesium, that is Nordisk Lettmetall. Can you very briefly tell se that the Styre was?
- A. I believe I can make that quite clear. It is almost exactly the same thing that is call the Board of Directors in America; it is not to be confused with the Vorstand. It is samething different. It is a Board of Directors.
  - Q. Who were the members of the Hordsk-Hydro Styre?
- A. The President of Styre at the time was the Bunker, Parcus Wallenberg, Sr., the head of the Emskilda Bank in Stockholm, a Sunde. The General Director was Ambert; he also belonged to the Styre. Then a third Scandannvian, Sir Thomas Fearnley, a knighted Hornegian. Ne owned shippards and was a very important man in Hornay.

On the French side there were 2 members, Hessrs. Moreau, the was Vice-President of the Styre, and Vice-President of L' Administration de la Danque de Faris, and Mr. Har wardt, also of the Bank de Paris.

On the German side there was Coheimrat Schnitz, and at the request of the Hornegians, in 1941, Dr. Oster.

- 1. Did you pourself belong to the Styre of Hordsk-Hydro?
- A. Es
- Q. Did the entire Styre, that is including the Frenchmen agree to the Fordisk Lettmetall project?
- A. Yes, they all agreed, i.chwiing the two French members. It was ununirous.
- . In what way did the French reabers of the styre of Hordek Hydro get informed?
- A. At my suggestion, during my stay in Oslo, in February, or perhaps the beginning of Harch, I believe it was in February, 19AL, the President of Nordsk Hydro, Banker Wallenberg, undertook to do this personally.

  Tallenberg was an old personal friend of this Frenchann, had been so since the foundation of Hordsk-Hydro in 1905. Wallenberg had brought the Frenchann into the business at that time. Hordsk-Hydro was an International

company. Germany was at that time at war with France, and Horway, - it was therefore a question of tact. By principle was, - and I believe that I held to it without enception during the war, - to act during war as during peace time, and therefore, Er. Wallenberg, in view of his high international standing, a banker of world renown, and in addition a back, a neutral, was surely the most suitable person. This guaranteed absolute objectivity.

- 1. Did Walle berg actually go through with his trip?
- A. Yes, it was very difficult to get approval from the German authordities for a neutral to travel to occupied territory, but it was possible,
  with the aid of some men of Hordisk Fettmetall, who had connections with
  the Aviation Hinistry.
- of Hordsk-Hydro?
- A. Dr. Bachen, during the war, the Prenchmen were informed just as they had been in peacetime. It was an old rule with Hordsk-Hydro that every member of the Styre, before every Styre meeting, so many weeks before, I don't know how many would get a dessier, a file, and meet of the meetings in peacetime, as far as I know, were in writing, and when in February, 1941, I was in Oslo, General Director Dr. Aubert, asked me to be kind amough to take the dessiers for the French, Horeau, Vibratte, Schmitz and Oster along. The board was distributed in Oslo, Paris, Berlin. I fild so, and later on when no were even asked, I don't know whether there was no direct compact between France and Horway, or whether they were afraid of consership, had not any rate, we acted as a post office, and established contact between Taris, Horway, etc., in my office. At any rate that was a more reliable way.
- 1. I should now like to care back to lir. Wallenberg's trip. When did Wallenberg go to Paris? --
- A. If I remember correctly, he want together, in the first half of March, 1941, If I say, we, I near the Fresident of Mordsk-Mydro, the banker, Wallenberg, the General Director Advokate Bjarke Erikson, Dr.

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Morston of Central Pinance Administration, and I.

- J. Did the French Styre members know that the money to be obtained by capital investment of Hordsk-Hydro was intended to finance the one-third share of Hordsk-Hydro in Lettmetall?
- A. Yes, they know that very well, both through the official documents of the administration of Hordsh-Hydro and also, above all, they were informed orally by old Hr. Tallenberg, and the attorney Bjarke Erickson, who went to speak to the Frenchien together.

DR. BECHEL: Mould this be a good time, Mr. President, to break off?

T.E FRESIDEIT: The Tribunal will rise until 9 temporous serming.

(Tribunal in recess until 0900 hours 20 March, 1948.)

## CERTIFICATE OF COLLISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

Date	Mame of Witness	Official Transcript
9 January, 1948 9 January, 1948 9 January, 1948 17 January, 1948 17 January, 1948 6 February, 1948	Karl Amend Alfred Zaun Perry Broad Josef Joham Franz Rottenberg Noack Treister Hene Balandier	" " 5470-5512 " 6826-6881 6957-6979 769 <b>6</b> -7732 792 <b>5</b> -7963 928 <b>8</b> -9305 9305-9358 9359-9376

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Hurnberg, Germany, March 31, 1948.

JAMES G. MILROY

mmissioner of Tribunal No. 6

1948
18 March-M-JP-1-2-1-Mills (Int. Sachs)
Court VI Commission

Official Transcript of Mearin before a Commissioner for Military Tribunal VI, Case VI, in the matters of the United States of America against Karl Trauch, et al, defendants, sitting at Puernberg, Germany, on 18 Merch 1968, Commissioner Jenes G. Pulroy, presiding.

THE NARSWAL: The Commission for Tribunal VI is now in session.

There will be order in the Courtroom.

T'E COMMISSIONER: The Commissioner has called this meeting for the purpose of hearing testimony on cross-examination, direct and redirect, of Dr. Lendel, who is now available to testify. The hearing was scheduled to take place at 0930 and it is now 0953. The delay is caused by the absence of defense counsel representing — which defendant is it Dr. Hoffmann?

DR. H.FF A W: The defendant lann.

of these examinations is to afford to defends course, an opportunity to cross-examina, I intend to recess this hearing until helf past ten so that an effort may be made to lecate Dr. Ferndt and so that the interests of the defendant Fann may be taken care of. I will ask Dr. Bueller -- you have notified Dr. Berndt, have you? You have notified Dr. Berndt to be here?

DR. HUELLER: Yes, your Honor.

T'E CHI ISSTORER: When did you give him the notice?

DR. MUELLER: The defense of Case VI was notified on Tuesday, the sixteenth, with regard to the proper examination to take place today.

THE CHRISSICHER: Privio. of the crownstances I am going to recess this meeting until helf post sea and will ask ir. Rueller to take such steps as may be necessary to locate Dr. Berndt and have him here at that time. We will now be in recess until ten thirty.

Apper

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THE MLRSHIL: The Commission is again in session.

THE COM ISSIONER: Mr. Marshel, will you report as to the presence of any defendants?

THE MIREHAL: May it please Your Honor, none of the defendants are present in the courtroom.

THE COM ISSIGNER: Pr. Musllor, as I understand it, you have notified all of defense counsel as to this hearing, and they have all hed an opportunity to be present?

DR. MUELLER: Yes. The presence of the defendants was not needed.

THE COMMISSIONER: No, the defundants are not mooded. This examination is hold under the provisions of an order of Tribunal No. VI. dated December 8, 1947, designating certain afficats for cross exemination before a Commissioner. These witnesses are witnesses for the Prosecution. I will therefore call upon the Prosecution if there is anything to be said before to begin the actual examination of the witnesses. Has the defense, has any mamber of the defense, anything to present to the Commission before the actual examination commences?

DH. HERNOT: Dr. Berndt. Mr. Commissioner, I apologize for having been late. As far as I remembered, the meeting was fixed for 1B:30, not for 9:30. That is the explanation for my tardiness, and I apolegico.

THE COMMUNICIER: That will be sufficient, Dr. Berndt. Have you anything to say further before the examination of the witness commences?

DR. EERIDT: No. Mr. Commissioner.

THE COMMISSIONER: The witness will be brought in. Mr. Prosocutor, this man is Dr. Charles Bendel, is that correct?

P. MINSKOFF: That is right.

THE COMMISSIONER: and he is French?

MR. MINSKOFF: He is a French national.

THE COMMISSIONER: He is a citizen of France?

18 Mer 48-M-4J-5-2-P. Stewart-Suchs Court 6 Case 6 Commission

MR. MINSKOFF: I believe so.

THE COMMISSIONER: Very well. Will the Marshal please adjust the earphones for this witness?

THE M.PSHAL: May it places Your Honor, the interpreter does not wish the earphones. He understands both English and German.

THE COMMISSIONER: Very well.

CHARLES BENDEL, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will remain standing for the purpose of being sworn and will raise his right hand. Say "I" -- state your name --

THE ITHESS: Charles Bondol.

THE COMMISSIONER: --nd repeat efter no -- "swear to speak without hate or fear, to say the truth, all the truth, only the truth."

(The witness repeated the oath.)

THE COMMISSIONER: Say, "I swear." The witness will be scated.

which the interpreter will please transmit, and I will give them in sections so that the interpretation may be more easily handled. Please understand that you are perfectly free to testify fully and freely in response to any questions that are asked you. However, it is the desire of the Tribunal that you make your answers brief and direct and avoid any unnecessary comment. Before you, there are two signal lights which are connected with the sound system. It is necessary that there be a slight pause between questions and answers, so that the English translation may be made. The yellow light, when it is fleshed, is an indication that you are going too rapidly and it is a request that you slow down. The rad light is a step signal, and when it is flashed you will step completely and not resume your answers until you are notified.

THE COMMISSIONER: Mr. Prosecutor, you now have the witness with you.

18 Mar 48-M-..J-5-3-F. Stewart-Sochs Court 6 Case 6 Commission MR. MINSKOFF: Thank you, sir. DIRECT EXAMINATION BY MR. MINEKOFF: Q. Dr. Bandel, will you state for the record your name and present address? A. Cherles Sigismund Bondel. Q. and address? A. 23 Boulevard Pasteur, in Paris. Q. Pr. Bandel, with respect to Prosecution document NI 11953. which is Prosecution -xhibit 1811, do you have any corrections or additions you wish to make at the present time? A. Yes, I have two changes to make and two corrections. Q. Will you please indicate thosa? A. I have the German copy before me, that is Fage 2. In the middle of Fage 2, the name of the camp EunaMonovitz and Mauthausen are misspelled. .Q. And the other change? i. On the third page, in the middle of the page, there is a question. I will read now the question in German. IN MINSKOFF: It is not coming through in the English. INTERFRETER SACHS: I em sorry, I thought the interpreter was going to do the question as well. Would you ploase repeat the question? 4. (Contid) "Did you ever see the Prussic acid gas which was used? A. I have seen the cans. I also dissected some of the corpses of people who were gassed". -- This is a mistake in translation, since I never said that I dissected any corpses. This was done by a special detail of doctors in the concentration camp cramatorium. what I wented to say is that I saw the empty containers after the gassing had taken place. Besides, what I said can be seen from the following question. Q. Are there any further corrections or additions?

A. No. I have none.

- Q. Dr. Bondel, you were the doctor in this sonderkommendo in suschwitz-Birkonau?
- 4. I was one of the three doctors who were attached to this sonderkommando.

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- Q. Dr. Bondel, you were the doctor in this sonderkommende in suschwitz-Birkenau?
- A. I was one of the three doctors who were attached to this sonderkommando.

- Q And were you the only surviving member of the doctors?
- A Yes, unfortunately.
- Q Dr. Bondel, you mentioned in your examination that you were also in Monowitz?
  - A Yes, I arrived the 10th of December at Monowitz.
- Q Could you describe for the Court, Dr. Bendel, the comparison of the living conditions of the inmates as between Monowitz and Auschwitz-Birkenau where you were subsequently?
- A I can only make a comparison as to the conditions three weeks after I had arrived in Auschwitz.
  - Q Will you do so?
- A At Auschwitz I lived in Block No. 28. This was the dispensary, there were thirty physicians in it. They were a kind of reserve, they were always ready to be sent to the different sections of the camp.

DR. HOFFMANN: Dr. Hoffmann. Your Honor, I did not know that the Prosecution was going to put these questions which go beyond the affidation. I have no objection against this sort of questioning, but at the risk of making, even more claims on the time of the Commissioner, I would suggest that in view of the importance of the subject, the other defense counsel who did not know of these questions should be informed, particularly Dr. Seidl for the defendant succrifeld, because they may be interested in being present at this cross examination.

THE COMMISSIONER: Dr. Hoffmann, your comment is addressed to any additional facts which are brought up in this direct examination, is that correct?

DR. HOFFMANN: Yes, Mr. Commissioner. There certainly are some additional facts which are not contained in the affidavit. I think the Prosecution agrees with my point of view.

THE COMISSIONER: What do you think of that, Mr. Minskoff?

MR. MINSKOFF: What Dr. Hoffmann says is perfectly correct. The question that I just addressed to the witness goes beyond the interrogation which is now in evidence. I had intended just two questions. If

the Commissioner will recall, in the examination arranged before the Commission of Dr. Goerner, Dr. Boetteher on his direct examination of his own witness asked a number of questions which were not contained in the affidavit of the witness and went far beyond its scope. The Prosecution interposed no objection to those questions being answered. I just have about two questions on direct with this witness.

THE COMMISSIONER: You may possibly bring up a question of whother or not the defense has been properly apprised of the scope of the direct examination. Now, I know that in a recent comment of the Tribunal, it was said that the position of the Tribunal is this: when a question is so general in its character that the Tribunal itself cannot determine when it has been answered, then it is objectionable. Of course, that does not apply to your question here, because what you are doing is simply adding to the affidavit.

MR. MINSMOFF: I have asked specifically for a comparison in living conditions at Monowitz and those at the other concentration comp Auschwitz-Birkenau. Now, with respect - may I just say this?

THE COMMISSIONER: Yes.

MR. MINSKOFF: With respect to Dr. Hoffmann's suggestion that Dr. Seidl be hors, I think that is a very good suggestion, since Dr. Seidl is interested in any testimony concerning Monowitz.

THE COMMISSIONUR: Well, in order not to waste time, we could do this: we could proceed, we could go on, and you may repeat your questions after Dr. Seidl arrives.

MR. MINSKOFF: Well, I will be perfectly willing to go on with the next two questions that I had which do not concern Dr. Seidl particularly, and he could be called down in the meantime, if he wishes to be here, then I can go shead with the cross examination.

THE COMMISSIONER: Then make a memorandum of those questions.

MR. MINSKOFF: Just one question. I will withdraw that for the moment until Dr. Seidl can arrive, and I will proceed with the other question and then offer him for cross examination, reserving the right to ask him this one question when Dr. Seidl appears.

THE COLLISSIONER: I think that will dispose of it.

Q Dr. Bendel, from your experience in Auschwitz-Birkenau, can you tell the Tribunal of the extent to which it was commonly known, particularly in the area of Auschwitz, that there were large-scale gassings of human beings?

. I am convinced, in the first place, that there was no single displaced person who was in the camp of Auschwitz and Birkoneu who could doubt the destiny which was meant for him. In the second place, this was also known to the people who lived in Auschwitz and who were not displaced persons or internees but who were in direct and personal contact with the displaced persons and who had connections, for instance, black market connections with them, in particular, in respect to the gold and in respect to the clothing of the thousands of people who passed through the gas chambers. As far as the SS is concerned, it is quite certain that apart from the SS who worked in the crematorium hundreds of SS men who were in the camp of Auschwitz-Birkenau know vory well, and their families who lived with them just as well that every day thousands of people were gassed in the gas armbers. I will give an example. One day I was in the crematorium No. 4. The chief of the crematorium, Unterscharfushrer Schule told me that there would be a lady visitor this day. In fact, about 3 o'clock in the afternoon somebody arrived in the crematerium. This was a party, and there was a lady with them. I got to know her later on as the wife of Schulz. The transport had not yet arrived and the lady wanted the people to have to at the crematorium. Unfortunately, the transport came in the meantime. This was a transport of about a thousand people, men, women and children. As was the custom, all the people had to undress in the garden, and then they were pushed into the big room which during wintertime was used for the undressing.

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Then the doors of the crematorium were locked and those thousand people were locked up in the room where they had undressed, and there they had to wait for about ten minutes until the car of the Red Cross came bringing the gas containers. Then the order was given to open the doors of the undressing room and people were beaten up. Then they were pushed into the gas chamber. They understood now that they were caught in a trap and they could never got out again. There was pushing and some tried to get out again. Right in front of that young lady, who looked on with wondering eyes, an SS man with a stick smashed the heads of the women and children who didn't want to enter the gas chamber. After some time, everybody was in the chamber. The doors were locked. For about two minutes' one heard screening and shouting and people knecking against the walls. This was no longer something human to hear. Then there was deadly silence. Twenty minutes later the doors were reopened. Just like a cataract, the bodies fell out from the gas chamber. The women just held their children against them, and we had a lot of trouble getting their arms away from the children. He who has once seen a gas chember full of dead bodies will never forget it during all his life.

- Q Dr. Jacob, where was Mrs. Schulz during this operation?
- A Mrs. detalz was in the two rooms to the right, in the corridor which lad to the gas chamber.
  - Q Did one ....ss the operation itself?
- " The SS man even showed much more zeal in doing their duty in front of her.
  - Q She was a civilian woman?
  - A Yes, she was a civilian, and the wife of Mr. Schulz.
  - Q Whore did she live?
  - A She lived in Auschwitz.
  - Q In the city of Auschwitz, is that right?
  - A Yes, I was myself in their house.

MR. MINSKOFF; Thank you, no further questions, except that the Prosecution reserves its right in connection with - well, Dr. Seidl is here now. Shall I put the question to him?

THE COM.ISSIONER: You may as well do it now. Make one operation. BY MR. MINSKOFF:

Q Dr. Bendel, I should like to repeat the question which I asked carlier. I asked whether you could make a comparison between the living conditions, generally - housing, food, etc., between Monowitz and Auschwitz-Birkensu, both of which places you testified you were present at?

- A I have something to add to what I said already, if I am allowed to do so.
  - Q With respect to the question I just put, or the previous questions?
  - A With respect to the question, yes.
  - Q The present question?
  - a Yes.
- Q Please make a complete answer. Ignord what you said before. I want Dr. Seidl to hear the complete answer.
- January in Auschwitz, that is, in 1944. I was housed in the dispensary, Block 28. We were about thirty doctors, physicians who were a kind of reserve if the necessity arose to send some doctor to another camp. When I arrived at Auschwitz after my three weeks as a worker in Buna-Monowitz, I was really pleased to be in the Auschwitz camp. During the two months that I was in camp Auschwitz, I had the impression that the Auschwitz camp, in a certain respect, was a pleasure camp, as compared with the really heavy and exhausting work which I had to do during the three weeks in Buna-Monowitz. I will give you an example why. This is a personal experience I had. Two hundred men arrived during my time at Buna-Monowitz. We were all selected for our stature and our health, and nevertheless, from the

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first day, as far as I know, twenty of my comrades reported sick to the dispensary. The reasons were various. It was December and terribly cold, so dold that some days we had 17° centigrade below zero, and the working details could no longer work, not longer, at least, than half a day. To protect ourselves against the cold, we had only very poor clothing. Half of the people had not even a shirt on. I would like to underline the fact that according to my knowledge, there were only a very few deportees in Bune-Monowitz who had the right to work under a roof. We all worked outside —

DR. SEIDL: Dr. Soidl --

THE COMMISSIONER: Whom do you represent, Dr. Scidl, for the record?

DR. SEIDL: Walter Duorrfeld.

THE COLLISSIONER: Vory well, proceed.

Del. SZIDL: Mr. Commissioner, it is not that I want to interrupt the testimony of the witness, but I would like to point out the following: the witness who is now in the witness box was not asked by me on cross-exemination for Dr. Duerrfold, but apparently for some other defendant. In addition, he was not asked in order to make some statements about working conditions in Camp IV of the Auschwitz camp of I.G. In fact, his affidavit does not contain anything about the working and living conditions of Camp IV of Auschwitz I.G. That was why I didn't apply for the defendant, Dr. Duerrfold, to be present at this session. Therefore, I object to the continuation of the testimony on this particular point. I would like to reserve the right for myself to have the testimony, as far as it refers to the working and living conditions of Camp IV, struck off the record. I would like to add here that the Prosecution case has been rested for some time and that the Defense is now presenting its case. If the proceedings are continued in this way, we shall have no possibility of safeguarding the interests of our defendants at ell.

THE COLLISSIONER: Dr. Seidl, you are objecting to the question, to the Prosecutor's question? You are making a motion to strike the answer, is that correct?

DR. SEIDL: Your Honor, I object to the continuation of the interrogation and I reserve the right to apply the interrogation of the Prosecution to be struck from the record. Apparently, the ease is that the witness has been asked for by some other defendant for cross-exemination but what is being carried out here is not cross-examination, but an interrogation on completely new points. In my opinion this is not admissible, since the Prosecution has already rested its case.

THE COLLISSIONER: Of course you know, Dr. Seidl, that this is a Prosecution witness. It is one of the last of that long list which were to be examined before a Commissioner, and they had not been presented to the Tribunal at the close of the Prosecution's case.

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Perhaps with that explanation you will not raise the objection that the Prosecution's case was closed?

DR. SEEDL: Yes, Mr. Commissioner, but so far the Tribunal have always held to it that the testimony and the cross-examination of a witness was to be limited to the subject of the affidavit. This, now, is a completely new case which the Prosecution is now present..., a witness who is testifying before the Commissioner on completely new points.

THE COMMISSIONER: The record will show your objection and motion to strike, Dr. Seidl. Now, Mr. Minskoff, in following this life of inquiry, you are no doubt aware that upon a motion to the Tribunal in connection with Dr. Seidl's objection and motion to strike, all this testimony may possibly be stricken, and the time is wasted in taking it. For that reason, I think you should limit it to as short a period as possible.

MR. MINSKOFF: May I state for the record, Mr. Commissioner, first, as I mentioned earlier, the custom of asking a witness who is called for cross-examination a number of questions on direct examination has thus far been followed purely consistently through the trial. The most recent example I mentioned before, just two days ago, when Dr. Boettcher asked his witness who was called for cross examination by the Prosecution quite a few questions on direct examination. That is the first point. New on the second point, as far as taking extra time, I am sure that Dr. Seidl is quite aware of the fact that after the defense case is in, the Prosecution would still have the right, assuming that we are completely -(mike cut off) - to bring evidence in rebuttal of other evidence which has been produced during the defense case. We can save much time if while the witness is on the stand, the one or two questions which we ask are permitted to go in, rather than have the witness called back again for the few additional questions.

THE COMMISSIONER: Well, I am taking this position, that in general, the scope of this examination is within the four corners of the

instrument executed by the affiant. Now, the procedure I have followed here is to permit corrections and changes, in general, but not to add to the affidavit. That rule has not been followed with exactitude, but that is what I intended to do and still am trying to do - confine it within the four corners of the affidavit, if it is at all possible. There, however, some testimony croeps in, as it inevitably does, we just let it go in, subject to striking or such disposition as the Tribunal may later see fit to make.

MR. MINSKOFF: In view of the Commissioner's attitude, I think I will accept the answer given thus far by the witness and will not ask any further questions.

THE COLMISSIONER: For the record, Dr. Berndt, you represent the defendent Menn, is that correct?

DR. BERNDT: Yes.

THE COLDISSIONER: You may proceed, Doctor.

### CROSS EXALENATION

BY DR. BERNDT (For the defendant Henn):

- Q Dr. Bondel, may I ask you when did you arrive in Auschwitz?
- A I arrived in Auschwitz on the 10th of December, 1943.
- Q How long did you stay there?
- " I was there for three weeks.
- Q In the camp Auschwitz?
- A I was in the camp of Buna-Monowitz.
- Q But you stayed longer in .uschwitz than just three weeks, didn't you?
  - A muschwitz is separate, Bunn-Monowitz is close by, another comp.
  - Q But you mean the camp of Auschwitz, not Moneyitz?
- A I was in Auschwitz for two months, from the 2nd of January until the 26th of February, 1944.
- Q That is not clear to me. You say you were in Auschwitz for two months, is that right?

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MR. MINSKOFF: In view of the Commissioner's attitude, I think I will accept the answer given thus far by the witness and will not ask any further questions.

THE COLMISSIONER: For the record, Dr. Berndt, you represent the defendent Mann, is that correct?

DR. BERNDT: Yes.

THE COLFISSIONER: You may proceed, Doctor.

## CROSS EXAMINATION

BY DR. BERNDT (For the defendant Henn):

- Q Dr. Bondel, may I ask you when did you arrive in Auschwitz?
- A I arrived in Auschwitz on the 10th of December, 1943.
- Q How long did you stay there?
- " I was there for three weeks.
- Q In the camp Auschwitz?
- A I was in the camp of Buna-Monowitz.
- Q But you stayed longer in Luschwitz than just three weeks, didn't you?
  - A Auschwitz is separate, Buna-Monowitz is close by, another comp.
  - Q But you mean the camp of Auschwitz, not Monowitz?
- A I was in Auschwitz for two months, from the 2nd of January until the 26th of February, 1944.
- Q That is not clear to me. You say you were in Auschwitz for two months, is that right?

- A Yes, I was.
- From the 2nd of January, 1943 --
- I was in Bune-Monowitz from the 10th of December, 1943, to the 1st of January 1944, and I was in Auschwitz itself from the 1st of January, 1944 until the 26th of February, 1944.
  - Q all right. How old were you when you came to Monowitz?
  - A Twenty-eight years.
- Q From what time onwards did you, yourself, observe killings of any kind in Auschwitz?
  - a Do you mean that I saw them, or that I heard talk about them?
  - Q That you observed them, that was my question.
- A I started to experience it from the beginning of my stay in Birkenau. I arrived at Birkenau on the 26th of February, 1944.
- Q On what facts do you base your statements with regard to the numbers of those killed?
- a My main source of information which has served in France also, could give an approximate idea of the number of people who passed during a certain period through the crematoria, and according to the numbers which had been tatteed on their forearms. There was a special detail, composed in the main of Franchmen, whose task was to take down the personal data of the people who were admitted to the camp. According to the number which entered the camp, we learned that the percentage of those who entered the camp was 10 to 15% for men and 5% for women. For instance, my transport was about 1,000 people. We entered the camp by a special favor, between 15 and 20%. Amongst the women only 5% entered the camp.

COURT VI CASE VI 18 Mar 48-9-1-H-AEH-Hasdorff (Sachs & Kieslich) me a container which contained the goson gas. of testifying before a Tribunal on this matter. A. They were round. black or brown or what?

- Q. These are such general statements and conjectures that one really cannot form a proper judgement and therefore no more questions are necessary on this point. I would ask the witness to describe to
- A. These were boxes made of metal, tin, and I am not in a position to give an exact description since I hever thought of the possibility
  - Q. Were those containers round or were they square?
- Q. What did they look like? Here they quite white or were they
  - A. I think it was something like a gray -- green-gray color.
  - Q. Did you ever see what was printed on such an empty container?
- A. The first time I saw one of them was in the gipsy camp. At that time delousing was going on in one block and those boxes were used. It was said at that time that it was Cyclon-B gas.
- Q. Did you actually see this name, Cyclon-B, on the container itself?
  - A. I only saw it in the cramatorium.
- Q. How, Doctor, tell he how many people do you think can be brought together in one cubic meter of space?
- A. I take the liberty of asking whether you mean for living or for killing?
  - Q. For killing.
  - A. This has no importance whatever.
- Q. I ask you and I think you ought to give me a definite answer to my question.
- A. When we were down there in the crematorium we could not just find out exactly according to cubic meters the number of people the could be put in, but we knew one thing for sure, that crematoria Number 1, and Number 2 could receive up to 2,000 people in the gas chambers, and crematoria 3 and 4 could receive 1,000 each.

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- Q. Could you tell me roughly how large these crematoria were?
- A. You mean the gas-chamber?
- Q. Yes.
- A. It is rather difficult to say anything about it if you must exact measures of the rooms. This is only an estimate on my part. It is an established fact for me that people were already half dead when they were just enclosed there in this room for several hours.
  - Q. Well, Dr., that is not an unswer to my question.
- A. I can not give exact measurement of it. I just guessed what it was. I said 10 meters by 4 meters, and this is quite uncertain. I am not quite sure. It's just an estimate on my part.
- Q. At one time, Dr., you said that in one-half cubic meter ten people were killed.
  - A. I never said so.
  - Q. The German record on page 6 ---
  - THE COLLISSIONER: That is the English page, please?
- DR. BERLDT: That is page 31 in the record, second question from the top.
- Q. You were asked there how it was possible to put a thousand people into a room of 64 cubic meters. You answered, "Tell, that is a question one must ask oneself. It can only be accomplished by the German methods." And then there was the question: "Do you scriously want to maintain that you can crowd ten people into half a cubic meter?" To that you answered: "Those 4,000,000 people who were passed as Auschmitz bear witness to that question."
- A. You wanted me to say that you could count the people who were pushed into the gas chamber. That I wanted to say is that, unfortunately for the people who are here, and in particular for the families of these people, the 4,000,000 people who have been killed in Auschwitz could not come up and testify on what happened there.
  - Q. But how do you know that 4,000,000 people were gassed in Auschmitz?

- A. First of all, there is the source of the indictment before the International Military Tributal. In the second place, my personal experience. In a certain period of time I witnessed the Milling of hundreds of thousands of people who passed through the gas chambers of the crematoria. No doubt, these people are not able to testify now. Their ashes are now in the River Vistula.
- Q. One more question, Mitness. There were the thermometers put up in the Monowitz Camp?
  - A. You are asking about thermometers. That kind of thermometers?
  - Q. I mean the thermometers for the temperatures.
- A. The fact that the prisoners came back from work because they could no longer work outside was a sign that the temperature had gone for below zero. I had this information from the chief clerk of the office who was himself a deportee who had already passed several years in the concentration camp.
- Q. Dr. Bendel, all I asked was that somebody, that -- you said it was minus 17 degrees. I only didn't know how you knew it was 17 degrees.
- A. I knew this from the man to whom I referred, the chief clerk at the office.

DR. BENIDT: I have no further questions, hir. Commissioner.

THE COLLISSIONER: Is there further cross examination of this witness?

DR. HOFFMANN: Dr. Hoffmann for the defendant Ambros.

INTERPRETER: I'm sorry. I didn't understand the na.e.

THE COMMISSIONER: The translation did not come through. If you state -- Dr. Hoffmann, state your name and whom you represent.

Now we get it.

Dr. HOFF LANN: 'Dr. Hoffmann for the defendant Ambros.

THE COMBISSIONER: Thank you.

Mr. hINSKOFF: Just a moment. Tould it be any easier if the translation, in view of the fact that the questions come through in German - to do it in German and have the English come through the regular channels?

INTERPRETER: That's all right with me.

# CHOSS EXAMINATION (cont'd) DD. CHICÉS SIGISHUMD BENDEL

#### BY DR. HOFFIANN:

- Q. Witness, first of all a question apart from Auschwitz. Did you spend any time later on in other camps? And perhaps can you tell me in which camps and what time and for what period?
- A. As from the 27th of February until the 1st of June, roughly, I was in the Gipsy camp in Dirkeman. As from the 1st of June until the 17th of January, when the evacuation of Auschwitz started. I worked on the crematorium. As from the 17th of January I walked for three days to Loslau. From Loslau I went by train in an open freight car to Mauthausen. There we arrived on the 24th of January. I stayed in Mauthausen for three days, until the 27th. Then on the 27th I departed for Eibensee, or, I was deported to Bibensee. In Eibensee I stayed until the American forces arrived. That was, I stayed until the 6th of May 1945.

Q Witness, usually I don't make any preliminary explanation to questions I put to witnesses, but in this particular case I'd like to discuss a point with you which you yourself mentioned ealier on. This point is of considerable importance and it is the question of how you knew about the general knowledge of gassings. I would like to ask you to consider very carefully what you say on this point and to be as objective as you possibly can. Earlier on you differentiated, first of all, between the knowledge among the SS guards in Auschwitz and the knowledge of other people. In this respect I would like to ask you once more, according to your opinion, did all SS members in the Auschwitz camp know about the gassings which were taking place or would it have been right to say that among the SS members in the camp some know more than others?

Witness, in order to make the matter clearer, I would like to add the following: In the Pohl case, a witness, a certain Mr. Kogon, was examined --

DR. MINSKOFF: May I interrupt just a moment. The question without the amendment is already a double question. With the addition it
is going to be triple question. Now I would suggest that the question
be broken up so that the witness could answer the question part by part.
At first they ask whether all the SS in Auschwitz knew about the gassings. The witness could answer that. Then they asked whether some
knew more than others. The witness could answer that. And then the
third part. They want to ask him. It is awfully difficult to have the
witness give one answer to a triple pointed question.

THE COMMISSIONER: Dr. Hoffmann, may I invite your attention to the comment of the Tribunal some days ago which I mentioned earlier in this session. The position of the Tribunal is that when a question is so general in its character that the Tribunal itself cannot determine when it has been answered, then it is objectionable. Now then, if you just use that rule I think you must beable to phrase your questions so that we

will not become involved with a number of issues and get more respon-

DR. HOFFMANN: Mr. Commissioner, in that case I would like to put my question, first of all, in the following manner:

Q Witness, according to your own knowledge, did all SS members in Birkenau know about the gassings? I don't mean Auschwitz at this moment. I mean Kirkenau.

A I am quite sure that they knew. It was impossible not to know. I want to give an example. The SS members of the crematorium had frequent visitors. On one occasion I had to advise a patient who was an SS man from the camp and who had come to visit an SS comrade in the crematorium because he had VD.

Q So, apart from this example, Witness, you say that in your opinion all the SS men in Birkenau knew and were bound to know about the gassings. Now, my next question is: To what was the extent of the knowledge of the gassings in general among the SS men in the general camp Auschwitz — that is, the Auschwitz camp proper — apart from the cutside camps? Do you think that every single one of the SS men, from the office clerk up to the commandant in the main Auschwitz camp knew about the gassings?

A Well, of course, it is an established fact that I did not use my time by making a circular inquiry among the SS members as to how much they knew or how much they didn't know, but at the same time it is also a fact, which I can prove, that the SS knew all about it, particularly the people in Auschwitz. In other words, they knew everything about the gassings which took place.

THE COMMISSIONER: I think that answers the question. Will you ask another?

Q Witness, I would like now to come to the following point, which I would like to establish. In answer to questions to other inmates of concentration camps I have been told that the inmates of various concentration camps, as for instance Oranienberg, Mauthausen, and others, in spite of the well established information service, did not know anything about gassings in Auschwitz. They had heard about mistreatments of course, naturally, but I'm coming to my question now. Did you later on observe that the fact that gassings were taking place was well known or not well known within the various concentration camps?

THE COMMISSIONER: The witness may answer?

Q Did you understand my question, Witness?

A Yes, I have understood it. According to my knowledge, there was a gas chamber in Mauthausen, too, and anyway it was the intention to kill me in Mauthausen. The people who were in Mauthausen and Eibensee, and of whom I was one, and where I spent more than three months, were not able to survive for long. It was quite superfluous to use gas in those camps. I was there for less than six weeks, and I lost almost — almost 80 pounds. That means I was only roughly, half my original weight, and I had to undergo two operations.

THE COMMISSIONER: I think that answers your question.

Now, Dr. Hoffmann, I have been informed that it will be necessary for us to take a short recess, about five minutes, in order to replenish the film, and I thought that possibly we could run this examination until half past 12 and in that way complete it. Do you think that your questions will take longer than that, Dr. Hoffmann?

DR. HOFFMANN: I believe that I would need fully half an hour.

THE COMMISSIONER: Well, then I think we will take a recess now for five minutes and then resume at the end of five minutes and finish the examination.

(A recess was taken.)

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THE WARSHAL: The Commission is again in session.

THE COURSSIONER: You may proceed, Dr. Hoffmann

CHARLES SIGHUND BUYDEL - Resumed

CROSS EXAMINATION - Continued

BY DR. HOWFMalld:

- Q Witness, can you say from your own experience, anything about gassings in other concentration camps?
  - A Fo, I can't.
- Q Witness, I now come to the knowledge that other people had who worked in the Auschwitz camp, and I am thinking here of civilian people. Ty first question is, were there any civilians who worked in the Auschwitz camp?
  - A Yes, there were some.
- 4 Now, according to your judgment, how much knowledge did those people have?
- A I am convinced that these people had sufficient knowledge of these tassings, that is, the gassings which were taking place about 100 meters away from them. I am convinced because wheever coming from the honewitz or the Auschwitz camps, would pass by the camp Birkenau crematory would shell burned corpses, and this small really gave one a pain in the threat. In the period from July and particularly in that month, the shoke and the flames rose up to about ten meters. I myself, when I was in the Cycsy camp, was for several times found with my face so black from the sort and the smoke which came from the crematerium.
- Q Vitness, it has been repeatedly stated here that the fact that the corpses were burned and cremated was well known, and obviously a crematorium was put up for the purpose of burning corpses. Who, of those who knew about the cremating of corpses, usually believed that it was a case of burning corpses of people who had died as a result of the typhus opidemic? Witness, I ask you now, would it not be possible to assume that some of the people may have been of good belief when they thought that the corpses burned were those of patients having died in the typhus epidemic?

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TR. HIMSKOFF: The witness has not been asked whether it is possible to assume something. If he wants information as to what he knows what recurred we have no objection whatseever; but to ask whether it was possible to assume something is not up to the witness to answer.

THE COMMISSIONER: You are objecting to the question, I assume?

Alt. 'IDSKCFF: Yes.

THE CCCLISSIONER: "ave you anything to say to that objection?

DR. HOTILANN: "r. Commissioner, in that case I would like to restate my question insefar as I would ask the witness whether he heard ...

TH) GUNISSICHER: Proceed, refrese the question asked.
BY DR. HOFF: AM:

Witness, I would now like to ask you, did it ever come to your knowledge that as an explanation of the burning of corpses in the crematerium the reason was given that these bodies were cremated, and particularly these bodies after the typhus epidemic had taken place?

TH. OCCISSIONO: The witness may answer.

It is a cortain fact that the German power of invention surprised itself in Auschwitz. There were people who had been selected for the gas chambers who had not suffered from typhus but who had been selected solely for the purpose of extermination. The lists of these people, before they passed to the Political Department, passed through the dispensary. I' the dispensary it was cartified that they had died as a result of some illness. These lists were headed, "SB" -- Sonderbehand-lung, that means "Special Treatment."

Q Witness, if all these victims passed through the dispensary would it not have been necessary to make out a certificate of death; and if this was the case, do you know what was the cause of death given on these certificates?

A I can say that from my own experience. At the time when I passed through the Gypsy camp all illnesses, that is, all natural and unnatural illnesses, too, were usually called "heart failure".

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- Q Witness, I would now like to ask you ... it happened that visitors came to the camp, didn't it?
  - h Yes.
- You? We also have locuments to this effect. Now, I would like to ask you, do you personally know that these visitors, or at least some of the visitors, gained wrong impressions of the camp and that one particularly tried to show than what we call in German, "Potemkin village" or compuflage?

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A.- The civilians who came and who received permission to enter the camp, that is, apart from the workers who came into the camp, those civilians could only be official visitors. Now, the main attraction in the camp could only be the crematorium. The spectacle for these people was very impressing to them.

Q.- Witness, did you yourself see official visitors in the camp who were shown the crematorium?

A.- I myself when I was in the camp could of course not know what was going on at the crematorium, but when I worked at the crematorium, I often saw that civilians came. Some of the visitors also were in military uniform, and these visitors came to admire the furnace of the crematorium as well as the whole installation, but of course, I can only say what I heard myself from a man who worked at the special command. He told me that a Dutch delegation arrived and after they passed through the Auschwitz and Birkenau camps, they expressed the desire to see the crematorium. That was the last time one admitted them to the crematorium. They were Dutch jews.

Q.- Witness, this man, this member of the special commando from whom you have your information, did he also tell you that these official visitors who were shown the crematorium, that they saw this crematorium when it was doing destruction working or was it perhaps shown to them during a normal cremation of people who had died in a normal way, a fact which obviously also happened at Auschwitz?

A.- An eye witness told me about the visit of Himmler, when the crematoriums I and II were inaugurated. At that visit, as a special spectacle
a thousand people were gassed who had been brought to Germany into the
camp from France. Through a little window which was in the door of the gas
chamber, it was possible to watch every second the death struggle of all
the people in the gas chamber. From my own experience, I can say that while
I worked at the crematorium, this great "premiere" (spectacle) consisted

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of burning people but not in the furnaces, but even in trenches especially dug for the purpose. The capacity of those trenches was quite incredible. It was possible to burn a thousand people within one hour.

O.- Witness, you know that I pointed out to you the special importance of this whole matter at the beginning. That is why I would like to put the question to you again with great exactness. Your personal knowledge of what official visitors were shown of or inside the crematorium originates with a man who was a member of the special command, the sonderkommando, is that correct?

A .- No, that is not correct.

THE COMMISSIONER: Now, that is a complete answer. Take the next question.

- Q.- Did you then know of have you got a personal knowledge then of what official visitors were shown of or in the crematorium?
- A.- A few minutes ago, I have said that I was an eyevitness when this first use of trenches was made for burning of bodies. I was myself present when that happened.
- Q.- Witness, can you tell me who else was present at this event, what visitors who were not members of the camp in some way or other?
- A.- No, that I cannot say. I wouldn't know who the people were, but I know that the SS members of the camp were present.
- Q.- Yes, certainly, witness, but what I would like to know is how many outside visitors were present at this spectacle, and that is why I ask you whether you know anything about the personalities of the visitors?
- A.- Of course, there were visitors, because they had arrived from some other place. They had their cars and chauffeurs with them, and they must have been official personalities of high rank. The chief of the crematorium was extremely polite and militarily disciplined to all of them.
- Q.- Those people who arrived from outside places, were they in uniform or did they wear civilian clothes?

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A.- Usually they were in uniform, but I have also observed some civilians.

Q .- Was it the black SS uniform or were there any other uniforms among them, party uniforms, for instance, or Army? Do you remember that?

A.- I have seen people in uniform with the Party badge and the swastike on it. The civilians usually had the small badge, the small party badge with the swastike in their buttonhole, but I couldn't tell you any other distinctive feature.

Q.- Witness, you are a Frenchman? How long had you lived in France before you were arrested?

A.- Thirteen years,

Q .- Then were you arrested?

A.- On the fourth of November.

Q .- That year?

A.- 1943,

Q.- What was your journey from France to Auschwitz?

A.- That is very difficult to relate, because we were shipped in freight cars, in close freight cars which were locked and never opened.

All I know is that we passed through Saarbruecken, and that we also passed through Frankfurt, and at one time we found ourselves in the station of Kattowitz. We spent about three days on this journey.

Q.- Witness, did any or many of your comrades from that journey --were any of your comrades on that journey gassed in Auschwitz?

A.- Yes.

Q.- Did you or your comrades before you were sent to Auschwitz in 1943, were you even given any indication either in France or in Germany with regard to the intention that you were to be gassed?

A.- Since everybody who was against the Nazis in France listened to the English BBC news, I had heard repeatedly that attempts of gassing had been made, or experiments, and that these experiments were made in Ausch18 March-M-FL-12-4-Stewart (Int. Sachs, Kreislich)
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witz. Two weeks before my arrest, I had seen a postcard from a sender in Auschwitz, that was a woman who had been arrested a year previously. Among others, she said on that postcard that many of her acquaintances were already dead and that they had died during the last winter. In this way, when I later on saw the name Auschwitz on my arrival, I was quite clear what sort of camp I had come to and what expected me.

Q.- Witness, can you tell us anything with respect to the fact whether during your journey from France to Auschwitz, any Germans knew what your fate, the fate of those in the train was to be?

A.- During the whole of the journey, which took three days, between Paris and Auschwitz, our car was opened about three times. The last time, this happened near Kattowitz, in a wood. There two guards who accompanied us came into our car and demanded our watches from us. Nost of us were not much inclined to hand over our watches to them, thereupon, one of the soldiers said that where we were going to, nobody needed a watch.

Q.- Witness, what kind of a soldier was he? Do you remember his uniform?

A .- I think it was gendarmerie,

Q .- Did he wear a blue uniform or a black uniform?

A.- No, it was a sort of greenish material. I couldn't tell you the exact shade of green, but it was greenish.

DR. HOFFLAMM: I am sorry, Your Honor, but I need the witness, I believe also after the recess.

THE COMMISSIONER: How much more time do you need, Dr. Hoffmann?

DR. HOFFMANN: Fifteen minutes, I believe.

THE COMMISSIONER: How much more testimony will there be? Are there other defense counsel here who wish to examine the witness?

DR. TRAMBANDT: I don't wish to examine the witness.

THE COPMISSIONET: Very well, then, your testimony probably is all there will be.

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NR. HTMSKOFF: May I suggest that the Prosecution will under the present circumstances, at least, not have further questions on redirect examination, and since there are only fifteen minutes involved, would it not be advisable to continue and finish the witness and recess after he has finished?

THE COMMISSIONER: I shall defer to the wishes of counsel in that matter. If you would like to continue this until you are through, why, we will go ahead; if not, we will recess for lunch. Now, what do you think about it, Doctor? Would you like to make one bite at it?

DR. HOFFMANN: Excuse me, it isn't to waste time here for me, but I must go to dinner, and it is impossible when I make further cross examination. I cannot eat something.

THE CONTISSIONER: In that case, then, we will recess until 1:30.

(A recess was taken.)

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## AFTERNOON SESSION

(The hearing reconvened at 1330 hours).

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: Do you have something, Mr. Minskoff?

HR. HIMSKOFF: Yes, Hr. Commissioner, I wanted to express my regrets that I kept the Commission waiting. I was unavoidably detained. I tried to make contact -- I'm awfully sorry.

THE CONTISSIONER: That's all right.

I will say in connection with these hearings that we may have, in view of the large number of affidavits subject to examination, we may have a considerable amount of work during the next six weeks and for that reason it will be necessary for us to observe a more rigid schedule.

I wish to start the proceedings promptly on time hereafter and possibly some arrangement can be made so that technical difficulties will be removed and we will always be able to start right at the time.

You may proceed with your examination, Dr. Hoffmann.

## CROSS EXALIMATION - Continued

BY DR. HOFFFANN:

Q.- Witness, is it correct to say that the gas chambers and the crematorium were at separate places?

A.- No, it is only partially true that they were separated. There were two crematories. No. I and No. II which were exactly next to the camp. That was the twin crematorium, the largest one. Then there were two other crematories, a little smaller that mere to III and No. IV which were in a very nice forest, the so-called forest crematorium and outside the fence of the camp there was a bunder that was actually a hut which had been made into a gas chamber.

Q .- Witness, was that the poly gas thamber in Auschwitz?

A .- The crematorium was not in Auschwitz, by the way, but in Birkenau;

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however, in Auschwitz there was a crematorium which had already existed before my arrival, but which was not being operated. I also had a chance to see this crematorium because it was a depot for the drugs and medicinal preparations, and outside of this crematorium which was no longer in operation there was a chamber in Auschwitz for disinfection and delousing in which, on 17 September 1944, 200 men of my own detachment were gassed.

O.- Was this gassing of the 200 people of your detachment -- something extraordinary in the Auschwitz gas chamber or did mass gassings take place in this chamber at other times?

A .- No, that was the first time that people were gassed there.

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- Q How far was auschwitz from Birkenau?
- A I don't know the exact distance, however, probably it was two kilometers -- perhaps one or two kilometers.
- Q Watness, did you speak with Germans after the end of the second World War?
  - A Yes, I was present as a witness in almost all the large trials.
- Q Fitness, after the war did you heard from Gormans that they had not linewn anythin about the gassings at Auschwitz?
- A It's hard to say because most people with whom I talked were defendants or people in custody.
- a defendant, told you that he had not known anythin about gassings would you have considered that possible or would you have considered that possible or would you have believed that he must have sknown something about those gassings?
- MR. MIMSKOFF: May it please the Convission, there is no relevancy whatever to what any Germans said after the War was over. There is no question in anybody's mind that when the var was once over there was a tremendous interest in denying any knowledge of what happened during the war. Any questions to this witness should certainly be limited to what Germans know during the war rather than what the Germans denied knowing after the war was over.

THE COST ISSICHER: This is an objection to the question, is it?

I.R. H.DOSKOUP: That is right.

THE OCCURSSIONER: Will you state anythin you have to say in regard to that objection, Dr. Hoffmann.

DR. HOFFMANN: I asked the witness about questions of general common knowledge and I wanted to say, with reference to his special position at Auschwitz, that he could be considered an expert in certain matters and in this capacity I wanted to ask his opinion about matters of common knowledge, not of circles of persons he described within the camp but outside of the camp.

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Ht. hINDKOFF: There is no objection to such a question being put, to questions asked as to, in his opinion, what was the general knowledge with respect to gassings. The objection would only be limited to the questions as to what persons may have told him after the War was over.

THE JOY ISSIGNER: Well, the arguments of Counsel are in the record. Unless you consider your question an important one, it would be conducive to clearing the record of possibly unnecessary material if you were to ask some other question, but I don't want to rule and neither do I want to limit your right of cross examination I am going to let the witness answer it if you desire him to do so now in view of Er. Minskoff's objection.

DR. hOFFred d.: Then I withdraw my previseus question.

I shall ask the witness to that extend in his opinion, general knowledge of gassings at Auschwitz was possible in Germany and how fur such general knowledge existed?

I as eye-witness known after I, myself, talked to witnesses in the camp two of whom were in the Sonderkommando, the special Commando.

These two people arrived at auschwitz in Earch of 1944. They came from Borlin. They had been hiding until this in Berlin. Their names were Walter hatz and Bernann Noumann. Hermann beamann was working in a laundry and after he had been arrested he was sent to auschwitz and there he was assigned to the Sonderkommando where I was able to talk with him and he tald no the following: In Borlin, when they were tald that they were to be sent to tuschwitz they had to consider quite clearly in their two minds that they would be killed there and that their death sentence had thus been signed.

Several weeks prior to the liberation of the Belsen camp, I beg your pardon, Ebenses camp -- I was ill and was in the dispensary of the camp and there were three of us in one bed at the time. I had the confidence of a Czech journalist whose name was Hans Lederer who told Gourt in Leipzig and the people connected with it had been acquitted because there was insufficient evidence against him. He was acquitted for lack of evidence; however, he and his family were sent to Auschmitz and he was told that it was all the same whether he had beensentenced to death or sent to Auschwitz. If course, there are other examples, but this is one of the most important.

Q Concerning the last example, witness, Iwant to ask you: do you remember when this journalist Loderar was sent to Auschwitz?

A I think, however, I am not quite sure, I don't remember his number, his prison number, but he is still living in Prague, perhaps hisaddress could be found — well, I think it was in 'h3 that he was sent to Auschwitz.

Q one further question. 's it possible in your opinion that the knowledge about Auschwitz and what took place at Auschwitz was greater in the circles affected thereby than in the circles not affected?

A I am convinced that all people, even including the civilians, knew very well what took place at ausewhitz. It was impossible that so much gold, so much jowelry, wrist watches, and clocks could be taken out of the camp and brought into circulate a and could be exchanged for hundreds of thousands of clearettes and food and for the test of food and cherottes that were available — for fish, meat, fat, been, everything — all those things were exchanged in such quantities that it was quite impossible that this could have been in connection with only individual isolated cases. It is my impression that auselwitz was the center of black-market trade for all of Germany.

Dk. hoFlbadW: de further questions.

NR. MINSKOFF: In questions for the Prosecution.

TIP (COMISSIONER: Is there anything Aurthor for the Defense? The witness is excused.

This hearing is recessed until further notice.

(The Commission recessed at 1400 hours, 18 March 1948.)

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19 March-M-FL-1-1-Stewart (Int. von Schon)
Court No. VI, Case VI

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America, against Karl Krauch, et al; defendants; sitting at Nurnberg, Germany, on 19 Harch, 1948, 0900 hours, Judge Skake, presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you will escertain if all of the defendants are present in the Gourtroom.

THE MARSHAL: May it please, Your Honor, the defendants Leutenschlaeger and Haefliger are absent due to illness; the defendants Duerrfeld and Jachne are excused by the Court.

THE PRESIDENT: Are there any announcements from Counsel for the Defense?

DR. STORKEBAUM (For Schneider): Mr. President, I should like to submit a brief memorandum concerning translation of the words, "foorderndes littlied der SS", sponsoring members of the SS. I do not want to take up the time of the Tribunal. The document speaks for itself. It has been discussed with the Prosecution, and as far as I know, the Prosecution has no objections.

THE PRESIDENT: Very well. The memorandum may be filed and become a part of the record.

Anything further from the befored

Anything from the Prosecution?

I should like to say on behalf of the Tribunal that just this morning we have received the translation of the Motion or Petition which Dr. Dix presented a few days ago. We will give consideration to it just very prompt ly now.

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If there are no further announcements, Counsel may proceed with the examination of the defendant Ilgner.

DIRECT EXAMINATION - Resumed

DR. MAX ILGNER

BY DR. BACHEM:

Q.- Dr. Ilgner, yesterday afternoon you were speaking about Mr.
Wollenberg, Mr. Eriksen and your trip to Paris, and the information Mr.
Wollenberg gave to the French gentlemen. I should like to continue now.
Bid the French gentlemen know, and did they approve that the administration of the Morsk-Hydro in the capital investment should make use of the privilege provided by the Charter, to eliminate 53 per cent of the new stock from the old stockholders?

A.- Yes, they know that, both in writing and orally, from the Prosident of the Society, Mr. Wollenberg. The two French members of the Styre, Mr. Moreau and Mr. Wibratte, both approved this decision orally and in writing. Moreover, this was a right of the administration of Morsk-Bydro which was set by the by-laws.

Q.- Was 43 per cont of the new stock excluded from the right to purchase of the old stockholders?

A.- Formally, yes; but in fact, not. But the administration of Norsk-Hydro before the war had purchased 40.83 per cent. This can be proven by the Prosecution Document, Exhibit 1202, Book 65, page 127. Actually, therefore, there was only 3 per cent which was excluded on the basis of the right of the administration, with the approval of all members, because the 40.83 per cent was already under the control of the administration.

Q.- Can there be any question of pressure exerted directly or indirectly by Farben on the Frenchmen?

A.- Of course there can be no question of that at all. The decision of these Frenchmen was the result of consultation with their own President lir. Wollenberg; that was their own free decision, and made after a sober 9618

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weighing of their own businesses and the existing possibilities.

Q.- And why did this Styre of Morsk-Hydro make use of this right to exclude the 43 per cent?

A.- The by-laws say that these 43 per cent can be excluded if it is in the interests of the company. The Styre of Norsk-Hydro considered this measure to be in the interests of the Norsk-Hydro. There were various reasons. The primary reasons I recall was that the Air Ministry demanded to be included in this transaction, and demanded participation in Norsk-Hydro.

Q.- And why did the Air Ministry demand such a participation in Morsk Hydro?

A.- Because the Reich Air Ministry did not trust either Farben or Norsk-Hydro. Farben, had, for decades, been closely allied with Norsk-Hydro. As I said yesterday, 17 held 25 per cent of this firm. There were very close technical and commercial connections, There was a great degree of confidence, after the decision of the Air Ministry. The Air Ministry was to participate in the new company, Nordisk Lettmetall, that was one-third was to be owned by the Air Ministry, one-third by Morsk-Hydro and one third by Farben. The Air Ministry suspected that Farben and Norsk-Hydro would be united, and in this way, the conditions would be unfavorable to the Air Ministry, - the proportion would be two-thirds against one-third. Therefore it was decided that there be equal participation of the Reich in Morsk-Hydro, and in that way the influence of Farben on Morsk-Hydro might be controlled or compensated for.

Q.- "es all of this known to the French too?

A.- Of course, That was exactly what Mr. Wollenberg, as President of Morsk-Hydro, was to tell the French personally, and what he did tell them.

Q. Did Mr. Wollenborg, when he was in Paris, have time enough, and did he have the opportunity to talk to these French gentlemen calmly?

A. More than ample. After Mr. Wollenberg, Mr. Eriksen, Mr. Korsten and I arrived in Paris, at the beginning of March 1941, Mr. Wollenberg suggested to me that on the next day I should go to the Bank de Paris with him. I, however, suggested that he and Mr. Eriksen of Norsk-Hydro should first go alone to the Bank de Paris in order to have a private talk with those gentlemen first; aside from the fact that I was not a member of the administration of Norsk-Hydro, this was a question of tact in this way. The French learned of the project for the first time from their old President, Mr. Wollenberg, in Paris. In addition to that, Mr. Wollenberg wanted to stay in Paris for some time. His daughter is married to a Frenchman and he visited her. We got approval for this with great difficulties. He remained to Paris for some time, - in Paris and in France, - privately, and had plenty of time to see all of his friends, particularly in the Bank de Paris.

- Q. Were there any joint conferences with the Bank de Paris?
- A. Yes, there were several. As I recall, I myself attended only the first one, since the later ones were executive conferences. The big conference was attended by Mr. Wollenberg, Mr. Eriksen, Mr. Moreau, Mr. Wibratte and Mr. Conture, and quite a number of people from the Bank de Paris, but for our side, Dr. Kersten and myself, from MW 7, and also the financial advisor of I.G. Farbenindustric in France, Mr. Jacques Raindre.
  - Q. Dr. Ilgner, is Mr. Wollenberg still living?
  - A. Unfortunately, not, but his son is living,
- Q. I should like to continue. The Prosecution quotes on page 33 of the Trial Brief, as Exhibit 1024, Book 65, English page 73, German page 132, as a proof that Farbon took the opportunity to gain a decisive influence on Norsk-Hydro. What do you have to say about that?
- A. Quite aside from what I have said so far, which clearly refutes this idea of the Prosecution, the Prosecution document itself proves that it was not Farben but the Gorman Government, quite obviously working

against Farbon, which wanted to create a German majority.

In this Exhibit, on page 73 of the English, Exhibit 1204, we find the following passage, that the Viag, - that is a Reich company, - with the support of the Reich Ministry of Economics, - that was President Kehrl, - through the Dresdner Bank, established contact with the French, in order to obtain a German majority in Norsk-Hydro, and on page 74 of the same Presecution Exhibit we find another statement by the Plenipotentiary General for the expansion of light metal production in Norway, Mr. Koppenberg, who makes this statement for the Reich Air Ministry, and the Reich Ministry of Economics at the same time:

"In his opinion this opportunity is to be seized in the interest of Germany."

- Q. You have just used the expression, "working against Farben". "Mill you please explain that?
- A. They were very definitely against Farben. The Government knew that Farben had for years been a stockholder of Norsk-Hydro. The Government knew that Farben had friendly relations with the administration of Norsk-Hydro in Oslo, as well as with the French stockholders in Paris; that the Bank de Paris which represented the French interests of the Gorman government was interested in Norsk-Hydro. It would have been natural to discuss this matter with Farben, and to inquire of Farben, but not only was this not done, but the Dresdner Bank received from the Reich Government, from the Reich Ministry of Economics, a secret order, without the knowledge of Farben, behind Farben's back, to negotiate with the Bank de Paris, and to attempt to get participation for the Gorman Reich in Norsk-Hydro directly.

Who was in charge of these negotiations, had been given a direct order from the Reich Ministry of Economics to keep silent. It was, therefore, quite obvious that this was an invasion of Norsk-Hydro directed against Farben. In the minutes of the Chemicals Committee of I.G. Farbenindustrie, called Chema, under date of 24 April, 1941, we find the following entry,

and I quoto: "Hacfliger reports about the invasion of the VAT," that is the Reich Society, "in the capital of Norsk-Hydro of Oslo".

- Q. I should now like to come to another point. On page 22, at the bottom, in the Trial Brief, we find a statement that the KA in a meeting of 18 March 1941, discussed the problem of how the enormous sum of approximately one billion Morwegian krononen was to be raised. I ask you, did the light metal project actually amount to one billion kronon?
- A. No, the Presecution has fallen victim to an unfortunate mistake here. In the KA meeting of 18 Harch, 1941, I reported about my first trip to Norway after the outbreak of war. Mr. Koppenberg and the men of his staff were in Oslo at the same time as Mr. Haefliger and I. At the KA meeting, aside from everything else, I spoke of my serious misgivings, from the point of view of national economy about this project, which then in 1941, I said, was mad, just as I have said today. Economists will understand that if one considers the relative size of a country like Norway, with a circulation of 400 million kronens, and an industrial project of one billion kronens.
  - Q. What was the size of the Farbon project in Norway?
- A. The project in which Farbon owned one-third, emounted at that time to a total of 106 million kronens, that is, the Farbon share was a little over 50 million kronens. That can be seen very clearly from my-statement in the same KA meeting which is also received in Prosecution Document 1205, and I quote: "Farbon participated in the light metal project with the magnesium factory; the total capital of this company will be about 106 million kronens."

- Q. In the foundation of Hordisk Lettmetall were the Norwegian laws and the wishes of the Norwegians respected?
- A. Yes. In the foundation of Nordisk Lettmetall the Reich agencies demanded, for example, that the chairman of the Aufsichtsrat should be a German, Plenipotentiary General Koppenberg himself, Nordisk Lettmetall and we, Farben, wanted him to be a Horwegian, the General Director of Nordisk Lettmetall, Dr. Aubert. We were therefore looking for a way out. A formal working committee was formed; the chairman was lir. Koppenberg, and my colleague Haefliger belonged to this committee for Farben. In this way we had mrnaged to make a Norwegian chairman of the Aufsichtsrat.

Another example, perhaps even clearer. The members of the Styre of Nordisk Lettmetall had to be appointed, that is, the board of directors. Norwegian law demands a Norwegian majority in the Styre. Since the Styre was not to be bigger than three persons, logically enough there was only one place left for both German groups. If both German groups had been represented, we would have had to increase the Styre to five, and that would not have been desirable for many reasons. Therefore Farben waived the right to have a representative of their own, since the presence of hr. Briksen in the Styre guaranteed that our interests would be properly represented.

- Q. In the middle of page 35 of the trial brief there is a reference to the French stockholders, I quote: "They were the original underwriters of the stock capital."
- A. No; as the Prosecution put it in the trial brief it is not right. That is right is that the French were among the important founders of Morsk Hydro in 1905, just as the Badische Anilin und Sodafabrik long before the World War was also an important partner of Norsk Hydro. The same is true of the Enscilda Bank in Stockholm. But much more important is the observation that by the fundamental technical reorganization of Morsk Hydro by Farben in 1927 Farben became a twenty-five percent stockholder; without wanting to minimize in any way the importance of

the French, this importance lay essentially in the past. The technicalindustrial development had been advanced by Farben, and therefore the
importance of Farben lay in the present; since 1927 it had been constantly
increasing.

- Q. On page 35 of the trial brief the Prosecution says that the French majority was changed into a Gorman majority. Is this true?
- A. No. For several reasons which I have already dealt with exhaustively, the French majority became a minority. That is true; but there was no German majority, although this was the intention of the German authorities. The total German holdings, if one includes Farben together with the holdings of the Reich government, (although this is not quite the correct way of looking at it), amounted in 1944 to forty-two percent, Farben twenty-one percent and the Reich twenty-one percent, as against French holdings of about thirty-seven percent—these thirty-seven percent being in the hands of one group. The intentions of the German government were not carried out, and there was no German majority.
- Q. Did the French have an opportunity to exercise their rights of purchase?
  - A. Theoretically yes, practically no.
  - Q. What do you mean by that?
- A. To excercise this right the possibility of the transfer of currency from France to Morway would have had to exist. Actually, however, there was no French-Morwegian clearing, so that the possibility of transfer did not exist. According to my knowledge of the situation, there were only very few Frenchmon who had any intention at all at that time of investing money during the war in Norway, which was occupied by Germany.
  - Q. Was this question discussed with the men of the Banque de Paris?
- A. Yes, I remember that the fact of there not being any French-Norwegian clearing was noted as a fact by everyone concerned, but everyone knew that that was a government matter. For this reason I personally took no interest in this question. There was nothing we could do about it.

- If, because of the lack of clearing, the French were not able to exercise their right to claim this stock, then there was no market in France, so that in practice the rights of the French stockholders in Norsk Hydro were valueless; is that right?
- A. Yes, that is quite right. But in view of the old friendship between Norsk Hydro, Farben, and the French, we of course prevented that by, in a sense, creating an artificial market, by setting a price for these claims such as would have developed naturally if there had been a market.
  - Q. And how was this dono?
- A. The banker Wallenberg, whom I have mentioned repeatedly, was asked at my suggestion by the Banque de Paris, as well as by us-Norsk Hydro and Farben—to act as arbitrator in the establishment of a fair price. Of course the French welcomed this.
- Q. Could the French without your or Farben's initiative have gotten anything for their claims?
- A. No. These claims would normally have been void, since there was no market, and the French would have gotten nothing at all. That would happen in the normal couse of business.
- Q. Did the French members of the Norsk Hydro administration, Horeau & Mibratte, want to attend any meetings of the Norsk Hydro in Oslo during the war?
- A. Yos, but it was we who originally expressed this wish. We had already arranged the trip for them, and in the beginning the French were willing, but them there was so much talk about collaboration in France that they began to have misglvings, and we quite understood that. And them the trip never came off.
- o. When the claims were sold, were the interests of those French stockholders considered who were prisoners of war of the Germans?
- A. Yes; on our initiative very generous arrangements were made for the prisoners of war.
  - Q. On page 35, at the bottom, and page 36 of the trial brief, there

is a remark of the Prosecution indicating that the French stock holders had to sell their claims to a German bank. Is that true?

A. No, the purchase of the claims was carried out by a French bank, the Banque de Paris. This French bank carried out the purchase on the basis of a telegraphic offer of the Stockholm Enscilda Bank, in Stockholm. Later, by order of the Reich Aviation Ministry, the Bank der Deutschen Luftfahrt was involved in this translation in order to have an accounting with the Banque de Paris.

- Q. Did the French stockholders have to sell their claims?
- A. Cortainly not. It was a right but not an obligation.
- Q. The Prosecution, on page 36 of the trial brief, at the top, says that the French stockholders were paid in French francs, and calls that a fictitious consideration. That can you tell me about this?
- A. Dr. Bachem, I have nothing to do with financial questions. I don't know what the Prosecution means by this, but the case seems quite clear to me. The Banque de Paris purchased the claims from the French stockholders for French france. I am convinced that the Banque de Paris, the leading bank of France, acted quite correctly here. I do not of course know any details, since this whole transaction was carried out directly between the Banque de Paris, the Enseilda Bank in Stockholm, and, as I have already said, the Bank der Deutschen Luftfahrt, acting on orders of the Aviation Ministry. The Bank der Deutschen Luftfahrt, as I recall, appeared in dealings with the Banque de Paris as actually the only purchaser.
- Q. Mr. Nowman has just brought to my attention that in my last question the word "Ruecksichtnahme" was mistranslated. It was translated as "consideration." I beg your pardon, it is mistranslated in the German trial brief. We will look this up.

I should like to speak about a different period of time now, Dr.

Ilgner, the time after the destruction of the Nordisk Lettmetall plant
by air raids in the middle of 1943. Why was Farben so interested in having
the water power completed, although the Reich Government ordered the plant
closed down?

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A Fecause that was in the interest of Norsk Hydro. Norsk Hydro had needed, this water power for years, and the administration of Norsk Hydro had asked Farben to do everything possible to have at least water power facilities completed. But unfortunately we were not able to do so. The Government refused. This Norwegian news paper (shows paper) that I have here shows how important this was for the Norwegians they are completing it today.

Q Did you, Dr. Ilgner, in the question of damages, represent the interests of Norsk Hydro against the German authorities?

A Yes, I personally specifically represented the interests of Morsk Mydro in the negotiations with the German authorities, and they asked me to preside during this time. And the Bank der Deutschen Luftfahrt represented the German interests. In my opinion this was the first case during the war when we succeeded in getting the German Government to recognize foreign claims for war damages. The negotiations were extremely difficult and extremely complicated and took up a great deal of time. I reported to the Vorstand meetings of Farben about thom very often.

Q Now did you manage to convince the German authorities that Norsk Hydro had to be paid damages just like the German shareholders in Nordisk Lettmetall?

A That was not easy, and as I said it took a great deal of work.

My main argument was to say that Norsh Hydro had cooperated only

because of confidence in Farben and if this confidence were misused

that would seriously impair the esteen in which the Germans were held

in Norway, and thus would endanger all industrial projects. And I

reported to this effect in the Vorstand mestings too.

Q Is it true that it was only because of reliance on Farben that Norsk Hydro had decided to cooperate?

A No, that was not true, but my colleagues in the Vorstand did not contrdict me at the time because they probably realized my good intentions, and realized that I was trying to help Worsk Hydro.

Q Dr. Ilgner, you were speaking about the arrest of Mr. Erikson, who was General Director of Norsk Hydro. When and at whose instigation was he arrested?

A In the summer of 1943, shortly after his appointment as Director General, he was arrested by Reich Commissar Terboven. He was arrested by Reich Commissar Terboven he had become Director General against the will of Reich Commissar Terboven. We, Norsk Hydro and Farben made him Director General against the will of the Reich Commissar, with the approval of all the members of the Styre.

Q And why was the Reich Commissar for Norway against Mr. Eriksen?

A Because Eriksen was anti-Quisling and the whole administration of Norsk Hydro was anti-Quisling.

C. Did you, Dr. Ilgner, while Mr. Eriksen was under arrest, have any contact with him?

A Tes, we visited him in the camp four times, my colleague Oster, Frank-Fahle, and I myself visited him twice. I called on the commandant of the camp, Colonel von Bosse. "e was a very good man, and he was ashamed that he had to keep the Norwegians prisoner. Friksen was allowed to keep documents, which was prohibited. He was able to obtain records from his colleagues in Norway. I believe he got weekly reports. When I visited him the last time in the camp at Luckenwalde that was in Norch, 1945—he said to me, and I quote: "Ilgner, it is a fine thing that during all the war in all these decisions we have never had any disagreements and have always been able to work together in harmony".

I arranged gift packages for him and rhought them in and smuggled in cigarettes from Bulgaria. I am just telling that to show what our association was like. In spite of that, Eriksen was a prisoner for a year and a half, which had a very depressing effect on him. I made a great effort to have him released. We have a good deal of documentary evidence on that.

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I merely want to tell a little story. When I made formal application that Lr. Eriksen be released saying that I would take him in at his wife's request so that he would not be in Berlin, because there were air raids there, the head of the economic Department of the Reich Commissar in Horway 'r. Otto, said to me, ".ir. Ilgner, I want to call your attention to the fact that if Mr. Eriksen is released you will be responsible for him with your life", and he asked me whether wether I was willing to undertake that responsibility I did not hesitate a second. I said, "of course". There is documentary evidence of that, especially from Mr. Eriksen himself.

Q Dr. Ilgner, to conclude the subject of Norway I shall ask you, is there even a single phase in this entire transaction to which in your opinion, there is any objection legally, morally, or ethically?

A Dr. Bachem, I must tell you that as far my participation and the participation of Farben in the Norwegian trunsaction is concerned, I always considered it an absolutely fair transaction, especially considering the extremely difficult and complicated conditions prevailing during the war.

DR. BACKLER: That concludes the subject of Norway.

Mr. President, this concludes the direct examination of my client.

THE PRESIDENT: Thank you, counsel. Any interrogation of this defendant by other Defense counsel?

BY DR. 1RUEN (Counsel for defendant Kuchne):

Q I have only one brief question to you, Dr. Ilgner, about the Southeast Europe Committee of Farben. The Prosecution, in answer to a motion of Dr. Lummert of 11 December, 1917, for his client Dr. hons Kushne said on 16 December 1917, and I quote: "If he had not been identified with Mazi aggressive and expansionist aims he would scarcely have become and remained the chairman of the Southeast Europe Committee from 1936 to 1944."

The only question here is the Southeast Europe Committee of Farben of which you yourself were also a member.

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THE PRESIDENT: Thank you, counsel. Any interrogation of this defendant by other Defense counsel?

BY DR. 1RULN (Counsel for defendant Kushne):

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I should therefore like to ask you: Can you tall me whether this contention of the Prosecution is correct?

A No, of course it is not at all correct. Dr. Kuehne was chairman of the Southeast Europe of the I.G. Farbenindustrie. That was just a technical body with an advisory capacity. It had nothing to do with the Southeast Europe Committee of the Reich Group Industry, any more than this has to do with Nazi methods or aggressive war.

Q No further questions.

BY DR. ASCHENAUER (Counsel for defendant Gattineau):

Q Lr. Ilgner, I have several questions. Where did Dr. Gattineau work before he came to Berlin?

A To my knowledge he was at that time the secretary of Geheimrat Duisborg, the chairman of the Aufischtsrate and the Verwaltungsrat of I. G. Farben Industric.

- Q I id he work for Geheimrat Bosch at that time, too?
- A Not yet.
- Q When did Dr. Gattineau come to Berlin?
- A As I recall, it was at the end of 1931.
- Q What department did he take over?
- A As I recall, he took over the Press Office of Farben. A few months later, at the end of '31 or the beginning of '32, a Trade Policy Department was attached to this office.

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- Q. who was in charge of the press office?
- A. The press office was at that time directly under the central committee of Ferben, or Professor Selek, who was appointed by Geheimrat Bosch to this duty.
  - Q. Was Dr. Frank-Fahle the deputy chief of NW/77
  - A. Dr. Fahle was one of the deputy chiefs of Na/7.
  - Q.\_ Did Dr. Gattineau have this function too?
  - A. No.
  - Q. When was the Economic Folicy Department founded?
- A. The Economic Policy Dopartment was created by order of Geheimrat Bosch at the meeting of the Verstand, September 1982, in Halle on the Saale.
- Q. Was this done for political reasons; that is to say, did it have any connection with the NSDAP?
  - A. No, it had nothing to do with that.
  - Q. Why did Dr. Gattineau become its head?
- A. That was very logical. Dr. Gattineau was already the head of the press office. He was the head of the Trade Policy Department, and from these departments it was that the Ecomomic Policy Department developed in September 1932. Also, he had all the objective qualifications.
- Q. Did Dr. Gattineau, as far as you know, belong to the NSDAP or any of its affiliated organizations at that time?
  - A. No.
- Q. Were there any political considerations involved in the selection of Dr. Gattineau as chief of the WIPO?
  - A. No.
  - Q. How long was Dr. Gattineau in charge of the WIMP?
  - A. Until the end of 1938.
  - Q. tho was his successor?
  - A. Dr. Jost-Terhaar. . .
  - Q. In 1933 Dr. Gattineau received the powers of prokura. Were

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there objective or political reasons for this?

A. Purely objective reasons; first of all, because the WIFO needed its own signatures for latters. They were always coming to the Central Finance Office to have letters signed, and we had no time to do that. Aside from that, the position was such that it justified having a prokurist.

- Q. As fer as you know, was Dr. Gattineau, Rochm's economic adviser?
- A. I nover heard of that. But with all respect to Gattineau,
  I must say he wasn't even 30 then; he wasn't such an important man at
  that time.
- Q. In your affidevit, Exhibit 512, you list Dr. Gattinoau under the experts. He also belonged to the Worberat. -re these influential. offices or positions in public life?
- A. How influential the F-circle was, I have already explained, and I assume that about the same is true of the Werberat.
- Q. Do you recall that Dr. Gattineau, after the events of 30 June 1934, left these positions?
- A. Yes, I recall very well because Cattineau very consistently -with a consistency one can understand only from a person who barely
  escaped being shot -- got out of all political positions or positions
  which were in any way involved with politics.
- Q. On 30 June '34 Dr. Gattineau was arrested. Did his superior.

  Professor Solck, call you up?
  - A. Yes, he did.
  - Q. "hat did he say?
- A. He demanded that Gattineau was no longer to enter the building and was to be removed from his post.
  - Q. Did you comply with this request?
- A. No. I tried to hide behind Geheimrat Bosch, and Geheimrat Bosch investigated the whole thing very objectively and concluded that as

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far as Farbon was concerned there was no stigma attached to Gattineau and therefore he remained in this position.

- Q: What was the attitude of Professor Selck after 30 June 1934 towards Dr. Gattineau?
  - A. Well, that is very understandable: he didn't like him,
- Q. Did this attitude of Professor Selck's have any influence on the fact that the press office was separated from the .IPO in 1935?
  - A. Yes, that was one of the reasons.
- Q. In your direct examination you said that your associates and assistants whom you selected did not belong to the Party or its affiliated organizations. How about Dr. Gattineau?
- A. When my counsel asked about the associates whom I selected myself. I said that none of them belonged to the Party or sympathized with the Party. On the next day, when speaking about the MIPO, I said that the MIPO and the press office were the only two departments which I, myself, did not found and whose personnel I therefore did not appoint myself. Please don't misunderstand that. That doesn't mean that I want to disassociate myself from these men. I am just observing that. But to answer your question: I should like to say that when Dr. Gettineau was made subordingte to me in the second half of 1934 he was no longer a member of the Sh and not yet a member of the Party.
- Q. Does the list of personnel of the WIFO on Page 8 of Exhibit
  377 of your affidevit refer to the time before or after 1939?
- A. This list does not refer to any specific time. I couldn't do that from memory. But it is approximately the beginning of the war.
- Q. Was the Abschrbeauftragter, as such, directly under the Betriebsfuehrer or his deputy?
- A: The absohrbeauftrager was directly under the Betriebsfushrer or his deputy:
- Q. Did Dr. Gattineau have any assignment from Farben to keep contact with Bloch?

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- A. I never hoard of that. He never got any such assignment from
- Q. Did the WIFO, during the time when Dr. Gattineau was in charge of it, have any assignment to deal with espienage?
  - A. No.
- Q. Do you know anything that might indicate that the WIFO did this?
  - i. No.
- Q. Did the WIFO have an assignment to carry out political propaganda for National Socialists ??
  - A. No.
  - Q. Did it do so?
- A. I never heard of it, and if I had heard of it I certainly would have stopped it.
  - Q. You explained yesterday what the M-question means.
  - A. Yos.
- Q. Essentially: deferments. Did you in connection with the M-question have any idea that this was preparation for war?
  - A. No, cortainly not. These were quite normal measures.
  - Q. Jas Dr. Gattingou deferred before the war started?
  - A. No.
- Q. The Prosecution witness Noack has testified that he did not want to take over the defense economy department and therefore was transferred to the directorate department. What do you know about the incident?
- A. Dr. Noack must have had very serious failings of his memory.

  Mr. Noack came from the Reich Ministry of Economics and he handled such

  Questions there. He came to Farben and was surprised that Farben had not

  done enything in this field yet. He took the matter up very energetically 
  so energetically that he offended all the sales organizations. He wanted

  to have the question of deferments handled contrally in Berlin instead

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of in the sensible way, on a decentralized basis. There were so many difficulties from my operations with my commercial colleagues because of this matter that for this reason and for personal difficulties between ir. Neach and another associate -- I believe that Mr. Neach challenged him to a duel; he was quite a hot-head -- he was put in the directorate department by way of punichment. He was kicked upstairs.

- Q. Did Gattinoau have an assignment from Farbon to negotiate with the AO?
- A. Not Gattineau. When the MIFO become involved in this, the war was going on, and Gattineau wasn't there.
- Q. Did the WIPO send any periodic reports to anyone outside of Ferben?
  - A. Not that I know of. I do not believe so.
- Q. You said yesterday that Gattineau in the mail conference reported that Keppler wanted to report from Neubacher. Do you know how Gattineau happened to be asked for this?
- A. No, I know no details. I wasn't present myself at this conference. I have that from the files.
- Q. You spoke about the task of VO.I. Was Dr. Reithinger, the head of it, a director?
  - A. You mean: Frokurist with the title Director?
  - Q. Yos.
  - 4. No, he was not.
  - . Q. What happened when Dr. Gattineau was appointed director?
- A. Reithinger was jealous and he wanted to be one too; but that was impossible.
- Q. For what reason was Dr. Gattineau a guest at individual KA meetings?
- A. That was usually on my own initiative. "hen there were southern European questions to be discussed. I suggested to Mr. von Schnitzler, as the chairman of the KA, that Gattineau ought to be called

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in on this point, since he was an expert in that field and was best able to report on these questions.

- Q. In the KA meetings of 24 May 1938, NI-6073, it was provided that Dr. Gattineau should later become the delegate to Yugoslavia. "as this realized?
- A. I don't remember this at all, but I know for a fact that he never was a delegate for Yugoslavia.
- Q. Did Dr. Gattineau belong to the Southeast Committee of the Economic Group?
- that was something that was brought out incorrectly in the interrogations. It actually never existed. There were individual men who were appointed by economy in order to carry out negotiations as experts for the Economic Group. "s an expert for Slovakia, Dr. Gattineau had been appointed.

  I. myself, was the chairmen of this committee, which in fact never met. It was only called on as the occasion arose, but I believe Gattineau was never present.
- Q. Did Dr. Gattineau bring you in contact with leading political personalities?
- A. Yes. I can remember one time that I took him to Vienna with me. That was the business with the commissars. I did not know Austria -- I hadn't been there for six years -- and I happened to hear that Cattineau knew a Dr. Bilgeri from the time when he was a student there. This Dr. Bilgeri, as I learned later, was the right hand man of the Reich Commissar for Private Industry, Rafelsberger, in Vienna. This bridge, even though it wasn't very great, was good enough for me to take on so that I would know where to start.

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- Q. That means that before 1934 he didn't bring you into contact with Rochm?
  - A. No, I never met dochi.
- Q. Did Dr. Gattineau have anything to do with Skoda-Wetzler before the Anschluss?
  - A. No.
- Q. In the KA record of 24 May, it was said that Fischer was made
  Plonipotentiary for Austria so that for the time of his military maneuvers
  he would be replaced by Dr. Gattineau. How long did these maneuvers take?
- A. Two or three weeks. Fischer was a Farben employee. He was not in the Ministry of Economics as was claimed here. He was there only during the war, as military service. He was in charge of the negotiations because I didn't have time.
- Q. What were Dr. Gattineau's duties after the Skeda-Vetzlar purchase was completed, with respect to Donavchomic?
- A. Dr. Gattineau was acquainted with the conditions, and especially the organization, and I believe he had some sort of scheme for the organization of Denauchouse.
- Q. Did Farben intend to carry out the construction of Donauchemie in Austria in the interest of the Four-Year Plan, or what was the idea?
- A. I believe I have already made it clear enough that it had nothing to do with the Four-Year Plan. It was a purely economic matter in order that the obsolete and impractical facilities be reorganized and improved as Austrian plants.
- Q. You mean to say that this had nothing to do with the German war machine, as the Prosecution calls it?
  - A. No, nothing.
  - Q. Did Farbon intend to use Donauchomic as a cover?
  - A. What do you mean? A cover for what?
  - . You remember the Schnitzler affidavit.
  - A. Well, a cover for what purpose?

19 Jarch-1-JP-6-2-Gaylord (Int. von Schon) Curt VI Case VI Q. A cover for the acquisition of the entire Austrian chemical pr.porty. A. No, that is completely out of the question. Q. Was Donauchemic Farben's salon organization in Austric? A. Donauchemic had nothing to do with sales at all. That was the Chamikalien Verkaufs-GmbH Donau. That is a different company. Q. Did Donauchemie pay dividends? A. No, that was not possible. They were operating at a loss. We had to get them out of the red again. Q. In conclusion, I have a few questions about Dynamit-Nobel, Pressburg. Wore you a member of the Verwaltungsrat of Dynamit-Nobel, Pressburg? A. I was first a member and later one of the two vice-presidents. Q. How did it come about that Dr. Gattineau was made managing director of Pressburg? A. That was after the conference in Budapest, which has been discussed here, in July 1938, when his Excellence Puelop Weiss and another man, Faul Inteller, were present. At that time the DAG-Troisdorf and Farben promised that we would reorganize this obsolete factory at Pressburg and take over these southeast interests and would revive it. For that reason, we needed men. Since Hueller had a good technical man, Karl Hayer, and no commercial man, and since Gattineau was present at the negotiations and they liked him-he is a Bavarian, a south German, and the Austrians and Hungarians liked him-they were very willing to have a men like Cattingau, who had proved what he could do, suggested for this post, and I suggested him. Q. That means that General Director Philipp and his Excellence Woiss, as representatives of the biggest stockholders, approved the appointment? A. Not only did they approve it but they welcomed it. Q. That body appointed layer and Gattineau? A. This was done in the normal way by the Board of Mirectors, the 9638

# Yourselfungeret.

- Q. There were no political considerations?
- A. You will understand that if Fuelop Weiss and Hermann Philipp appointed Ir. Gattineau there were no political considerations.
- Q. Was the basic salary of Dr. Hayer and Dr. Gattineau increased by Pressburg from 1939 to 1945?
- A. The basic salary of those gentlemen was not increased during the ter. I know that because Dr. Faul Bueller, at the request of Geheimret Schmitz, discussed this question with me regarding Settineau from time to time.
- 9. That was the special recommense which the managing directors received?
- A. This depended on their additionants and on its benefit. There was a very fine development for which Cattingon and Payor were responsible.
- Q. Can ore call the position of Dr. Gattingau at Pressburg, that of a convissor?
- A. Fo, nothing like that. He was a director appointed in the normal way.
  - 1. Did he have any rights over his technical colleague, Dr. Hayer?
  - A. No, they both had the same rights.
- Q. In the Verwaltungsret of Dynamit-Mobel, Pressburg, did the Moveltian and Hungerian representatives over criticise the Measures taken by the management, or what was the opinion of these non-about the measures taken by Tr. Mayor and Dr. Gattineau?
- A. In the Vermaltungerat of Dynamit-Bratislava, there was a very polite tone, and at the end of the meeting, thanks was always politely empressed to the management. The appreciation of Dr. Mayer's and Dr. Gattineau's work was more than politeness; it was really gratitude.
- Q. \_was it customary in Dynamit-Hobel, Pressburg, that all important measures be submitted beforehend to the Verwaltungsrat for its approvel?

- A. Mos. I said that the Verwaltungsrat of Pressburg was a relike what is called in America a Board of Directors. That is more than a Verstand. In this Verwaltungsrat, it was customary that anything decisive that was done should be discussed and passed on by the Verwaltungsrat beforehand. The gentlemen themselves were not members of this board. They were efficers but not members of the Board.
- Q. Was industrialization in the southeast prescribed by the Government?
- A. On the contrary; I tried to make that clear. We wanted to help the southeastern people to develop their industries. The Mazi authorities had relatively little and in part no understanding for that.
- Q. That means there was no connection with the Four-Year Plan there either?
  - ... Cortainly not.
- Q. Do you know emything about compulsory perticipation in the southeast?
  - A. No.
  - Q. Did the armament program have anything to do with this?
- A. No, Dr. Aschenauer. Those factories were to supply the demostic market. We were happy if we could supply the consumers! market of these countries. That was our duty: to see to that especially during the war, and we tried to do so.
  - Q. I have finished my examination. Thank you.

THE PRESIDENT: Is there to be any further examination by this defendant by counsel for defendants?

Very well, you need not start until after the recess, Dr. Cierlichs.

The Tribunal will rise for its corning recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DIX: Your Honors, the defense counsel extremely regret to hear of the accident which has befallen the Chief of the Prosecution, General Taylor, his wife, and a member of his staff in Berlin. The isfense counsel have the desire from the feeling of human and professional solidarity, first of all, to tender their sympathy to the members of the prosecution, and to you, Honorable Judges, and express the desire that the General and his wife and Mr. Ferencz shall recuperate as quickly as possible.

THE PHESIDENT: Thank you, Dr. Dix. That is most thoughtful and considerate on the part of counsel and parties. I shall personally assume the responsibility of calling the attention of General and Mrs. Taylor to your observations and to the record in which your remarks appear.

MR. AMCHAN: May I, on behalf of the prosecution, express our appreciation to the defense for its expressions of sympathy.

THE PRESIDENT: The Tribunal now recognizes Dr. Gierlichs.

BY DR. GERLICHS (Attorney for the Defendant Geheimrat Schmitz):

- Q. Dr. Ilgner, first of all, I want a clarification from you about Dr. Fischer's functions. He was mentioned repeatedly in connection with various paragraphs in the indictment. Until what time did Dr. E.R. Fischer belong to the organization of Farben Berlin NW 77
- A. He was never a member of the Berlin NW 7 organization. Dr. Fischer, during the first two years after the evolution in 1933 and 1934, held a Deputy Business Managerial position and 1 ter I appointed Mr. Helfelt for this task, because I did not want to take care of these functions any more. Thus, this position ceased to exist for Mr. Fischer, on the basis of the Labor RegulatingDecree, but he was in the same building with us. He was prt of Oil-Sparte. I was a friend of his and, as a result, I am very well informed about his career.
- Q. When did Dr. Fischer take over official functions upon orders of the Government?

- A. During the war he was drafted for service, but not for military service, for civilian service.
  - Q. At what time was that?
- A. After the Mr broke out, approximately. -- I cannot say it any more exactly -- he was drafted for service in the Reich Ministry of Economics as Ministerial dirigent in order to handle the Oil Department in that ministry.
- Q. As far as Dr. Fischer participated in negotiations about Skoda-Wetzler and Donauchemie, he did so as a member of Farben?
  - A. Yes, he was a Farben official at the time.
- Q. One can say about the functions exercised by him after the outbreak of the war that he was an official, during the time of the war, and separated from Farben?
  - A. Yes, that is correct.
- Q. Why was not Mr. Fischer's right of signature severed from the list of Farben people who were authorized to sign? You recall that this question came up some time ago.
- A. That is a matter of course. During the war, many employees, 40,000 of them, were drafted from civilian service, and we would have had a lot of trouble if we had withdrawn all those signatures of those people who were drafted. That was just a natural consequence of the war.
- Q. Did Dr. Fischer, after September 1939, participate in the Farben committee meetings, in particular, in the meetings of the Commercial Committee?
- A. No, I remember this very well for this resson: Geheimrat Schnitz forbade him very strictly, in a manner which hurt him a little, to participate in these meetings and especially in the Commercial Committee Nestings. Thus he did not participate in them.
  - Q. What was the reason for this attitude of Geheimrat Schmitz?
- A. Geheimret Schmitz wanted a clear separation between Farben and Ministries.

- Q. Thank you very much. I have a few more questions for clarification. I have a few more questions to put to you, Dr. Ilgner, for
  clarification of Geheimrat Schnitz's participation in the problem of
  North Hydro Lettmetall. What was the nature of Geheimrat Schnitz's
  participation in so far as the Norsk Hydro problem is directly concerned?
- A. First of all, it was conditioned by his duties as a member of the Styre of Morsk Hydro and as for general financial questions in which Farbon played a part, because he was the leading financiar of Farbon.
- Q. Did Geheimret Schnitz in the course of this activity maintain one contact with the representatives of the Foreign Hydro Interests and, in particular, with Mr. Aubert and Mr. Wallenberg?
- A. Yes, I know that Mr. Wallenberg, when he came back from Paris, saw Geheimrat Schmitz on one or two occasions. When Dr. Aubert in the autumn of 1940 called for help and turned to Farben, he undoubtedly saw the Geheimrat, but I don't know that positively. I only assume that he would, if only as an expression of politeness. It would be quite normal that he had contacts with Mr. Eriksen, but they were only sporadic.
- Q. As far as you discussed this matter with Geheinrat Schmitz, did you have the impression that he stressed particularly, in carrying out the entire transaction, that the original Morsk Hydro interests, should be safeguarded under allcircumstances?
- A. Yes, that was quite in keeping with his mentality. Geheimrat Schuitz was very objective. He could take the part of several people. He was of the opinion that here he should represent the interests of Morsk Hydro.
- Q. Thank you very much. To what extent was Geheimrat Schmitz involved in carrying out the Lettmetall transaction?
- A. I do not know that so well any more. On the occasion of Vorstand meetings I probably reported it to him currently, but personally he could not do very much, because all of the initiative had shifted to the Government.

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Q. In a document presented by the prosecution, during the crossexamination of Dr. Haefliger, NI-8972, there is a remark to the offect
that, particularly in the question of the new distribution of the share
capital of Morsk Hydro, Geheinrat Schmitz allegedly pulled all the strings.
According to the knowledge that you have of the circumstances, is that
remark correct for Farben and for Mr. Schmitz's person?

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A Mr. Haefliger never had any idea about all these financial affairs and also not at the time when he signed the affidavit. He therefore is not competent. It is the other way around. I explained it hare, that due to the initiative of Mr. Kehrl of the Reich Ministry of Economics to which opinion Mr. Koppenberg joined himself, this action was undertaken behind the back of Farben and that we had no more initiative in this matter.

The last question, as far as Geheimrat Schmitz participated in the magnesium project, Lettmetall, at all, did he have primarily any interest to see to it that the penetration of the Reich-owned Viag be prevented by the nitrogene sector, and does that explain his participation in the negotiations in the magnesium field at all?

A Yes, nitrogen was his favorite subject. That depended on his position as the "La Cia", the president of the La Cig, and he was very much afraid that if the Viag had penetrated it should now cause them to try to seize hold of the nitrogen field because this Reich-owned Viag company also represented in Germany the nitrogen interests, and we were very much concerned. Nork-Hydro was most concerned of all, and we had to make a very unfavorable compromise to the effect that these shares should not remain in the hands of the Viag but get into possession of an agency that was not interested in nitrogen. At this occasion I would explain that the Reich agency used this opportunity to exert a pressure on Farben, that we could only achieve this by granting a Reich enterprise a license on magnesium, a fact that we had rejected before that brial. This shows the great concern that we had about this penetration on two fields, in the light metal and nitrogen field.

Q Did this attitude that was held by Farben and by Schmitz also correspond to the original desires of Norsk-Hydro who wanted to get under no direct influence of the Reich?

A Yas, of course.

DR. GIERLICHS: Thank you vary much. I have no further questions.

THE PRESIDENT: Anything further, gentlemen of the defense? (No response).

THE PRESIDENT: Then the prosecution may cross-examine.

CROSS-EXAMINATION

### BY MR. NEWMAN:

Q Dr. Ilgner, is it a true statement that of the individual members of the Farben Vorstand you were particularly in charge of the increase in Norsk-Hydro capital stock?

A No, that is not a correct statement. It would be correct to say that the increase in capital of Norsk-Hydro was solely and only the affair of the Styre of Norsk-Hydro. The suggestion for the increase in capital was made by the chairman of the Norsk-Hydro, the banker Wallenberg.

Q No, this is not quite my question. I was asking you whether in the Farben Verstand you were particularly in charge of this matter?

A To the extent that the Farben Vorstand at all had any decisive participation in this affair, I was the one who participated in these negotiations, that is correct.

Q Did you know at the time when such increase was decided upon that the majority of stock belonged to French stockholders?

A Until 1941 I had not concerned myself with Norsk-Hydro, with these questions at all, or almost not at all. I assumed that that was quite clear to me, but this was not of interest to me anyhow.

Q You testified this morning that the Nazi Government intended to create a German majority in Norsk-Hydro?

A Yas, that can be --

Q Wait a moment. Didn't Farban fully cooperate with the Nazi Government in order to attain this purpose?

19 Mar 48-M-18-9-3-Hoxsie (Int. Katz) Court No. VI Casa No. VI. in order to attain this purpose? A No.

A Excuse ma, I didn't listen to you properly.

Q Did not Farben fully cooperate with the Nazi Government

Q The increase of the capital of Norsk-Hydro was accomplished in connection with the setting up of a new corporation, the Nordisk Lettmetall, is that right?

A The increase of the capital of Norsk-Hydro was a consequence of the resolution of the Styre of Norsk-Hydro to the effect that they were going to participate in the Nordisk-Lettmetall to onethird, to the extent of one-third, and it was the function of the Styra of Norsk-Lydro to procure the money necessary for this purpose.

Q Is it not true that this first masting of the Norsk-Hydro board concerning the increase of capital stock took place in June 1941?

A I can't tall you that. I don't believe that I participated in this meeting as a guest, but I will assume that you are correct. Approximately around this time the Styre of Norsk-Hydro concarned itself with this question, but I cannot tell you exactly. I wasn't there. I wasn't a member of the Styre.

Q Is it not a fact that the stockholders! meeting of Morsk-Hydro in which the resolution concerning the increase of the capital stock was passed took place on June 30, 1941?

A As far as I have been able to see from the prosecution's documents, on the 30th of June an extraordinary general stockholders! masting took place which made a resolution that was passed on to the Franch for their approval by the Norsk-Hydro.

Q You testified yesterday that Farben's new order for Morway -- This is our Exhibit 1191.

A Yas.

Q - has nothing to do with the transactions in Norway because the new order was only prepared and sent to the Ministry of Economics in Saptambar 1941.

A Right.

Q Which was after the entire Norsk-Hydro reorganization had taken place.

A No, I didn't say that; no, I didn't say that. I did say that if this memorandum was sent out at all it was either sent out on the 29th of September or later at a time when all decisive resolutions of the competent boards had already been made, and not as you have just said, that the transaction was carried out then, but that it was just begun there.

Q Now I ask you, is it not a fact that the principal parts of the Norwegian new order, together with the covering letter, were sent by your NE/7 office to the Farben Verstand on May 5, 194, isn't that a fact?

A I den't know, Mr. Newman, whather you have read your own document as attentively as I. I read it very attentively, and that document was submitted to the members of the Vorstand in May for their opinion, for the expression of their opinion, and from the text of the second letter it can be seen that the draft sent in May was now reconverted, that it was not sent out at all, and that it was only finished in September, and that it could only have been sent to the efficial agencies in September if it was sent at all. Therefore, my statement is quite correct that the sending out to the official agencies could only have taken place beginning with the 29th of September.

Q If I understood your testimony correctly you stated that the Styre of Board of Directors of Norsk-Hydro decided to participate in Nordisk Lettmetall, and that the French representatives on the Styre agreed to that. Did I correctly understand?

A That is quite correct.

Q Did I correctly understand you to say that bhrough your afforts the French representatives were fully informed of the

details relating to the organization of Nordisk Lettmetall and the resulting increase in the capitalization of Nersk-Hydro?

A Yas, bacause Mr. Wallenberg had taken it upon himself, upon the request of the Styre, to inform the French, and if a man of the title of Mr. Wallenberg undertook to inform his friends and if he is given fourteen full days for that purpose, then I believe it isn't too bold of an assumption of mine that Mr. Wallanberg informed the French quite fully.

Q Do you recall that in March 1941 when you visited Paris the Franch representatives were promised that they would be abla to participate in the increased capitalization of Norsk-Hydro?

A Yas, the French even considered it very important, and that can be seen from the documents. In the pamphlet, the possibility regarding a participation in the increase in capital is clearly expressed, and for that reason I answered my defense counsel's question as to whether the French might have expreised this right, I answered, "Theoretically, yes; practically, not.

Q I introduce in this connection NI-14655 which will beo me ur Exhibit 2016. This is Wibratte's letter to Reindre, R-E-i-n-d-r-s, of May 25, 1941, to which s -called observations of the Franch are attached. I am not going to ask you about this document, but I particularly refer to No. III, second paragraph of the observations, which is on Page 3 - Page 3 of the English mimeographed copy, and also Page 3 of the German.

A' I should be very glad if you could give me a copy too.

Q You will have an opportunity. You testified this morning to the 43 percent part of the new capital stack.

THE FRESIDENT: Counsel, just a mement please. You have introduced a document as a part of your cross-examination, and the defendant has requested a copy of the document. The Tribunal considers that is within his rights. Even though you do not see fit to interregate him about it, will you see he is supplied with a copy 19 Mar 48-M-MB-9-6-Hoxsia (Int. Katz' Court No. VI, Casa No. VI.

of the document?

MR. NETMAN: Yes. Now for the record, the defendant has now been supplied with a copy of this document.

THE WITNESS: Your Honor, may I please ask that I be left in peace to read this document?

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DR. DIX: May I make a remark here please? Day before yesterday I believe that we discussed between ourselves that it would be desirable that if copies are run off that sufficient copies are made so that all defense counsel could be given such a copy.

THE PRESIDENT: In that connection -

(Dr. Dix was handed copies of the exhibit)

DR. DIX: I don't know how much, but not enough. To make it quite brief, we only want copies, and I ask the prosecution to be kind enough in the future to make sufficient copies for all.

THE FRESIDENT: Let me say this. This is a recurrence of an incident that took place a couple of days ago that occasioned a considerable consumption of time, and perhaps some unnecessary loss of time. The Tribunal feels that it would be helpful to keep this procedure in proper channels if when the prosecution under such circumstances as these see fit to offer a document as a part of its cross-examination, the prosecution should at least indicate the purposes for which the document is offered, and if some particular part of the document is involved, that that should be designated. Otherwise the Tribunal finds itself in the rather unhappy situation of having documents offered about which the competency is not made to appear, and also counsel for the defense are somewhat handicapped because they may find themselves with a good many documents on hand and no indication of the pertinancy of them. Now, I think we ought to follow the same rule as we have followed to documents generally throughout this trial. That is, when the prosecution offers a document as a part of a cross-examination, it should indicate the purposes and the parts of the document that are concerned. I do not say that critically because Mr. Newman had just done that in this instance. Direct the attention of counsel to a particular part. I think that is a practice that will perhaps save us considerable time and uncertainty.

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iR. AUCHAM: We will try to do that, Your Honor. I might also say that during this cross-emamination we are currently distributins to the defense counsel ten copies of each document which is being offered.

C. (By Mr. Newman) - Now, you testified this morning as to the 43 percent part.

THE UNITHESS: One minute, I haven't finished reading it yet.

THE MRESIDENT: Counsel, it will not be necessary for you to read it I mean defendant - because counsel has indicated he intends to ask you no
questions about this. How, your counsel has been supplied with a copy of
it and so have you, and if later on redirect examination it is proper for
you to offer evidence concerning it or testify concerning it you will be
offered an opportuity in the meantime to read and study it out.

THE WITHESS: Thank you very much.

DY MR. HERBAN:

Q .- You testified this morning as to the 43 percent part of the capital stock.

A.- Yos.

O.- Did you not promise the French that they should receive payment for their share in the 43 percent?

A.- No, I couldn't have done that because I was ignorant of this
43.05 percent since I didn't know the details of the Norsk-Hydro organization. However, what has been shown quite clearly here was the spirit
of our negotiations in Narch when we didn't know yet that the Reich wanted
to penetrate, come in, and when we were still on our own we wanted to safeguard the full rights of French shareholders. That became of this affair
later is in consequence of the fact that the Reich actually penetrated into
Norsk-Hydro and that the possibilities of a transfer, which was in the power of the Reich, were not carried out.

Q .- Is it not a fact that in May 1941 when the representatives of Morsk-Hydro asked you to convey to the French information relating to the

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organization of the Mordisk Lettmetall Corporation that you refused, or your office, to convey such information?

A .- Do you mean me personally?

Q .- Your office.

A.- I cannot tell you. I don't believe it. At any rate you would have to tell me some details. I do remember, however, that I was told, because I am a frank speaker, that when I talked to the French I shouldn't disclose the superfluous internal affairs of the Germans, and then I said, "No, if I am going to talk to the French then I am going to tell them dverything I know. That is only right and fair.

MR. METMAN: In order to prove this fact I introduce NI-13205 which will become our Exhibit 2019. This is a letter to Morsk-Hydro signed Frank Fahle and Kersten of May 26, 1941. I have no further questions as to this document.

THE WITNESS: May I nevertheless be permitted to read this document so that I might perhaps be able to give you a more intelligent answer?

THE FRESIDENT: Your answer is sufficient for the time being. You will have an opportunity to read the document and you will have an opportunity to testify about it if you and your counsel agree that it is a proper subject of testimony. Do not bother about it now.

O. (By I'm. Mewman) Do you --

THE "ITTESS: I should morely like to answer, Mr. Herman. This is a conversation that took place --

THE PRESIDENT: I think, witness, now you are going to find yourself in a unhappy situation. Instead of doing what you are about to do you had perhaps better study the document and talk to your own counsel, because if the permit you to testify now, you may find the doors closed to you later on when you have had an opportunity to study the document. I think it is. only fair to you to suggest to lay the document aside until you have carefully studied it and conferred with your counsel. Then if you wish to tes-

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tify you will be permitted to do so. We do not want you to get yourself in a position of having waived that.

IR. ALCHAM: I think your Honor's remarks were directed to the defendant, and I think in there you stated they were directed to counsel.

THE FRESIDENT: That is correct.

### EY DR. NEMAN:

Q .- Do you recall that you made a special trip to Paris on or about June 20, 1941 --

A.- Yes, in June.

Q.- Just a more nt, - in order to discuss the request of the French in connection with the planned increase of Forsk-Hydro capital?

A.- I can't tell you any more what the particular purpose of my trip, tas, but I know exactly that I was in Paris in June 1941.

Q.- Did I correctly understand you to testify that you wanted the French to be represented in Oslo but that they didn't care to do so?

A.- I already testified quite clearly about this in direct examination, that we asked them to undertake that trip, and that because they were afraid to be suspected of collaboration what we understood that they then didn't want to carry out this plan any more.

IR. HE HAM: Mow, in this connection I introduce HI-12209 which will become our Exhibit 2020. This is a reproduction of Farbon's telegram to Raindre of June 7, 1941, I particularly refer to the third paragraph of this telegram.

THE WITNESS: Are you going to ask me about this telegram?

IR. NETAN: I have no further questions.

THE 'ITMESS: You said somothing about the third paragraph just now.

THE PRESIDENT: Now, counsel, you are unduly disturbing yourself about that. I mean defendant. I am so accustomed to talk to lawyers instead of defendants here that I apologize to you. You are unduly disturbing yourself

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about it. Counsel has stated that he does not want to interrogate you about it. That does not mean the doors are going to be closed on your testifying. He says he is not concerned. That is sufficient for his purpose. As I said before, you will have time and opportunity to read the document and your counsel likewise, and then you and he can determine whether you and he wish to make some further explanation.

THE TITESS: That was a misunderstanding, Mr. President.

DR. DIX: Mr. President, I don't want to be contentious, it is extremely embarrassing to me to get up again, but again we have only three copils. I am so sorry.

12. METAN: Ir. President, we shall see to it in the future that at least ten copies are available and I think you will be certain to get two or three English.

THE PRESIDENT: Very well. See to it in the future that you process enough copies that we will have no recurrence of this incident.

BY IR. ITEMAN:

Q.- Dr. Ilgner, is it not true that the French were not even advised that the board meeting will take place in Oslo on June 19, 1941?

A.- I can't tell you that, that is the first I hear of it, but I really can't answer that question.

Q.- Then you were in Paris on June 20, 1941 and conferred with the French representatives, is it not a fact that you turned down their request for participation in Morsk-Hydro's increased capital stock?

A.- No, I don't remember that. I remember that we talked about the impossibility of the transfer, but you would have to refresh my memory because I can't enswer your question the way you put it.

Q.- Was Monsieur Allier of the Banque de Paris one of the French representatives with whom this question was discussed?

A .- I read his name here for the first time. I stated on direct exam-

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inttion that a few of the officials of the Banque de Paris participated in those conversations, I likewise participated in the basic discussion, thereon the part of the French only one gentlemen spoke, and he was the Chairman de Counsel, Mibratte. Afterwards there was certain discussion between the executive officials, Frenchmen whom I don't know, and Dr. Morsten from the German part, and they discussed details about which I did not concern myself. I never concern myself about details. That is why I can't answer your question.

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Q.- Then on June 14, 1941, the extraordinary general meeting of the Hordisk Lettmetall stockholders passed the resolution to increase the capital stock, is it not true out of the about 152,000 shares voted, about 96 per cent represented Farben and I.G. Chemic and that the French stockholders were not represented at all?

A .- I can't tell you that. That is a Norwegian affair.

Q.- Is it not a fact that even after the reorganization of Norsk-Hydro you failed to keep the French representatives posted inspite of their repeated requests?

A .- I didn't understand the question.

Q.- I shall repeat the question. Is it not a fact that even after the reorganization of Morsk-Hydro you failed to keep the French representatives posted inspite of their repeated requests to this effect?

A.- That question doesn't mean anything to me; I don't even understand it.

Q.- How, we can shorten this by introducing document -THE PRESIDENT: Just a moment.

A.- Ask me a direct question; I would be able to understand you bet-

THE PRESIDENT: It impresses the Tribunal that there is some morit in the observation offered by the defendant. You do not disclose as to what you are asking that he should have posted or might have posted him about it. The subject matter of your inquiry is not disclosed at all; and, can't you be a little more specific?

NR. NETIAN: Information about Mordisk Lettmetall.

THE PRESIDENT: Just repeat your question as a whole now. You listen to it, Er. Defendant, and see if you can answer.

EY IR. NETAN:

Q.- I refer to your statement yesterday that you acted as a sort of a mail office between Oslo and Paris in 1941 and 1942. In this connection I

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ask you is it not a fact that even after the reorganization of Norsk.

Hydro you failed to keep the French representatives posted on the developments of Mordisk Mydro, and Lettmentall inspite of their repeated requests?

A.- Those are three questions you are asking me here. First of all, I wasn't a mail carrier. My office transmitted letters; I never do that myself. Second, you said that the French representatives weren't supposed to be informed about something. What do you mean here? Technical things, commercial things, financial things, increase of capital? That is completely unclear; you would have to define that a little. Thirdly you didn't give a date when that was supposed to have taken place.

THE PRESIDENT: Just a moment. Now, may I say to you that we are using this yellow light a good deal and the Tribunal has some information to the effect that light bulbs are pretty scarce in Nurnberg, and we would like to have these yellow bulbs last until the end of this trial. Now, gentlemen, just slow down your speed a little bit and I think we will get along better.

IR. NE MAN: Mr. President, I think we can shorten this by introducing MI-13206, which will become our Exhibit 2021. This is a letter by Erickson to you of Movember, 1942.

THE PRESIDENT: Now, what is your purpose in offering the letter?

!R. NETMAN: My purpose is to rebut what Dr. Ilgner, the defendant,
said yesterday in direct commination — that it was his assignment, or, he
took it over voluntarily, to see to it that information from Oslo concerning Nordisk Hydro, the capital increase and the Mordisk Lettmetall reach
the Paris stockholders.

THE FRESIDENT: Very well,

A.- May I ask you whether I am supposed to answer about this letter or not?

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### TIR. HEMAN:

Q.- Just a moment. Dr. Ilgner, you testified this morning that a new German majority was created in 1940, in Nordisk Hydro in 1941 since Ferben, as you stated, owned about 21 percent and the German Reich Agency another 21 per cent. Did you include or exclude in this figure about 10 percent held by I.G. Chemic. Basel?

A.- In these figures, the participation of approximately 9 per cent which was held by I.G. Chemie, Basel, is of course not included since the I.G. Chemie, Basel, as has been explained very clearly in different connections, since 1940, did not have any economic union with Ferben in any way whatsoever.

Q.- Now, do you know and did you know in 19/3 that Nordisk Hydro by participating in the Nordisk Lettmetall project sustained an over-all loss of about 45 million Kronos, Norwagian Kronos, that is about 10 million dollars?

A.- Nore than that. The loss of the Norwegians was 50 million and we lost each 60 or 70 million, all three of us; because of the resolution of the Reich government to close down, the plant had a loss on the books, only on the books, but in order to answer this question, the factories were in Morway and the Mordisk-Hydro had the control of them. We were the ones that lost.

Q.- Turning now to Austria. You testified about the report which purported to quote von Hengel, Joham's predecessor, about the intention of the Creditanstalt to sell its Skoda Wetzler's shares. This, I understand, is Document 147, your Document Book IX, not yet submitted. Now, is it not a fact that you Hengel's alleged statement about which you testified refers to the year 1936, more specifically to May, 1936? Is that correct?

A .- That is correct.

Q.- Did I correctly understand you to say that his von Hengel's report

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indicated that Joham's affidavit, our Exhibit 1067, is not correct? Did I understand that to be your testimony?

A.- Well, I don't know what is supposed to be incorrect; what do you really mean?

Q.- You testified that therefore Joham's statements in his affidavit that when he took charge of this matter the Creditanstalt was strongly opposed to selling its Skoda Wetzler shares must be incorrect. Did I correctly understand you?

A.- Yes. I said that and I maintain that statement, for there Johan said in his affidavit that we never wanted to participate to separate ourselves from the participation in the Creditanstalt and that is not true.

Q.- Mow, is it not a fact that Johan in his affidavit speaks of the period beginning with 1937?

THE FRESIDENT: That would be improper; the affidavit would show, and if it doesn't show it, the witness would not know it.

IR. NEMAN: Hr. President, I am sorry, but my purpose was to bring out some of the clear contradictions between what the defendant said and what is in our documents.

THE PRESIDENT: Let us know what the defendant says and give us your documents and then we will try to find out whether there is a contradiction. That is for the Tribunal.

# BY IR. NETHAN:

Q.- You mentioned Mr. Guenther Schiller as one of the men in charge of the Skoda Wetzler matter before the Anschluss. Did not Haefliger inform you that Guenther Schiller told him, and I quote from Haefliger's affidavit Exhibit 108/: "I was informed by Dr. Guenther Schiller that Mr. Joham had not been willing in the past to part with the majority of these shares, but only with part of it."

A.- Is that Mr. Heafliger's affidevit which he signed in Nurmberg?

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A.- That he signed here in Nurnberg? I believe, Mr. Mewman, that it wouldn't be any use to deal with that affidavit. I can tell you I did not read this affidavit. I considered it uninteresting. As can be seen from his file note, of April, 1938, he didn't speak to me at all at the time.

Q.- Now, you testified yesterday that you approved of Neubacher's appointment to I.G. Ferben. You also testified that Nezi Party circles objected to his employment. Can you very briefly tell us why they objected?

THE FRESIDENT: Just a moment; just a moment.

DR. BACHER: Excuse me. It has just been pointed out to me, Dr. Ilgner, that you are specking so fast that your enswers on the film strip over lap the questions and that therefore we can't make a clear transcript.

Therefore, I should urge you strongly to speak more slowly in order to have a proper film record. Make a pause after the question.

THE FRESIDENT: Thank you, Counsol.

BY IR. HETMAN:

Q .- Do you recall my question or should I repeat it?

THE PRESIDENT: You had better repeat it, Counsel, and now, Mr. President, pause between the question so that we get the translation of the cuestion before you start in answering, please.

A.- Yos.

BY 1R. HETAM:

9.- You testified yesterday that you approved of Moubacher's appointment to I.G. Farbon. You also testified that the Mazi Party circles were opposed to his employment. Can you very briefly tell us the reasons why Hazi circles objected to his employment?

A.- Mr. President, I can ensuor this question in great detail. If I may suggest to you, in our document book on Austria there is an official detailed letter of the party to Farbon in which all these answers are given.

THE FRESIDENT: Does that suffice, Counsel for the Prosecution? The defendant has said he will submit an affidavit, or a document rather, that will be a complete answer to it. Are you satisfied with that answer?

MR. HETTAN: No, the facts of this affidavit which we already know does not answer the question, but, I shall come to my next question.

THE PRESIDENT: Very well.

### BY IR. NETAH:

O.- You mentioned a letter right now on Newbacher of the Nezi Foreign organization. This letter, I understand, is your Document No. 133, Book VIII, and it was addressed to Dr. Mugler. My question is, did Dr. Mugler report to you at the time how Newbacher had behaved in Austria?

A.- Oh, now I understand your question. My deputy, Dr. Krueger, in 1937 repeatedly informed me that Mr. Moubacher, while he was a member of my office, had been repeatedly attacked from party circles in Berlin, and that he, Krueger, had a lot of trouble with fending off these attacks against Moubacher from party circles. That is my personal knowledge from 1937 that I have, and this letter that the foreign organization, the AO, sent to Farben you are quite right, I saw this letter only in Murnberg here for the first time, but it shows very clearly, first the sharp attitude of the party against Mr. Moubacher and it also shows how little I personally concerned myself with such political matters.

Q.- Is it not a fact that Houbacher after the Anschluss introduced you to Rafelsberger, the newly appointed Austrian State Commissar for Economy?

- A. I stated that in great detail and very clearly yesterday on direct examination. I explained that very clearly because of our difficulty
  because of our friendly attitude towards the Jews. Mr. Newmann, we found
  it necessary to maintain those few relations and Mr. Neubacher was our
  only, one of our very few, relations in order to get rid of the commissars.
- Q. Did Rafelsberger become a Board member of the Austrian Creditanstalt?
- A. I took cognizance of that fect, since I myself became a member of the Aufsichtsrat of the Oesterreichische Creditanstalt, when there was an exchange of one man of the Creditanstalt, and I came to their Aufsichtsrat and I was able to learn that during the war, I don't know from what time on, Mr. Refelsberger also appeared one day in the Aufsichtsrat of the Creditanstalt, but that is an affair of the Creditanstalt.
- Q. Now, concerning your own membership on the Board of the Creditanstalt, did you become a member on the initiative of Dr. Fischboeck, the newly appointed Austrian Minister of Finance, and of Seyss-Inquardt?
- A. Mr. Newman, you have here touched upon a subject of which you stated at the time, during the Prosecution's case, that you had in the meantime found out that you were in error. If that is not true then I will answer the question more clearly.
- AR. NEWELW: Mr. President; I am not going to argue with the defendent about what I said or did not say during the interrogation, but I think it is important that the defendant make statements here to this effect.

THE PRESIDENT: Well, that may be, but on the other hand if you did say that you were in error we assume that you will not take up the time of the Tribunal in wiring about a circumstance that is no longer in issue. We can't determine that how. You are entitled to have the question answered if you wish to stand on it, but if what the defendant says is true perhaps there may be no need to further discuss it.

MR. NEWNAM: I think my question can be answered by yes and no, and not by what the defendant said. THE PRESIDENT: Very well. Do you have the question in mind?
THE WITHESS: Yes; no.

THE PRESIDENT: Yes? The enswer was in enswer to my question, and the no to yours.

#### BY IR. NEWLIN:

- Q. Did Farben appoint Dr. Pfeiffer, of the representation of the Austrian Creditanstalt, to become a Board member of Farben Donauchemie?
  - .. No, not Farben, but the Sufsichtsrat of the Donauchemie.
- Nell, as far as the purchase price for the Skoda-Wetzler share is concerned, did you personally negotiate the price with Dr. Pfeiffer rather than with Dr. Johan?
- A. Neither, nor, but I didn't conduct any negotiations...neither with Dr. Pfeiffer, nor with Dr. Joham. But negotiations were conducted by Dr. E. R. Fischer with the support of Director Dencker.
- Q. Now I can use a Haefliger affidavit, NI-13057, which will become our Exhibit 2022, of world 23, 1947, and I particularly refer to page 2, first paragraph in both the English and German mimeographed copies, saying that Dr. Ilgner in the presence of Haefliger negotiated with Dr. Pfeiffer concerning the purchase price.
- IR. NEWMAN: I have no further questions in connection with Austria.
  THE WITNESS: You don't expect me to answer this question, do you?
  BY IR. NEWALN:
- Q. Turning to Czechoslovskis, did you personally contact Dr. Muhlert of the Reich Ministry of Economics in October 1938 in order to discuss with him the accuisition of the Jussig and Falkenau plants?
- A. Yes, in the Commercial Committee meeting of Farben, of the 7th of October 1938, the following resolution was passed, and I quote:

  "Schnitzler and Ilgner take it upon themselves to inform the competent official agencies about the attitude of Farben about this particular problem." End of quotation, Does that answer your question?
  - Q. You testified yesterday that this document of Prager Verein at

that time was owned or co-owned by the Czech Zivnostenska Bank,

A. No, I didn't say that. No, I did not say that.

THE PRESIDENT: That's an answer, Let it stand that way. Weit for another question,

- Q. (By Mr. Newman) Do you recall that Ferben in October 1938 suggested to the R.M that the Czech Zivnostenka Bank be prevented from disposing of its share in the Prager Verein to interests other than German?
- A. I didn't understand you very well. Where is this supposed to have been found?
- Q. I didn't say that, but I asked you whether you recall that this is a fact?
  - A. No, I don't remember that.
- Q. Do you recall that Director Zinsser of the Dresdner Bank reported to you personally on the results of his preliminary discussions with Prager Verein?
  - A. That's very easily possible.
- Q. Do you recall that when Prager Verein finally yielded it tried to obtain for the Aussig and Falkenau plants other participations in industrial enterprises but that this request was rejected by Dr. Zinsser?
- A. I don't understand very well what other project that is supposed to have been. Mr. Newman, if one conducts such discussions, many things are discussed. You have to be more precise.
- Q. He did not specify nor deny the particular enterprise, but my question is this: Did Prager Verein want to have another industrial participation when giving up Aussig and Falkenau?
- A. I cannot enswer this with any precision, but from my statements yesterday, I said that I. G. Farben industry or the whole enterprise of Farben had invited the Prager Verein to participate to an extent of 40% in the newly incorporated Chemische Industrie in Bratislava, (Pressburg) the most modern chemical artificial fiber factory, which was a fact. That fact shows that this attitude was expressed it was complied with actually here.

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- Q. Now, do you recall that Prager Verein wanted to keep a minority interest in the Aussig and Falkenau plant, but that this request was also turned down by Zinsser?
- A. No, I can't tell you that, for I personally had nothing to do with these negotiations.
- Now I submit NI-13542 which will become our Exhibit 2023. This is a letter written by you to defendant Krauch on November 3, 1938. Ittached to this letter which you sent to Krauch is correspondence between
  RUM and I. G. Farben and also RUM and Dresdner Bank. Ind finally, a
  file note on Director Zinsser's report to you of November 4, 1938. I
  particularly refer to this file note, but have no questions now in connection with this lengthy document.

THE PRESIDENT: Now, now, just a moment, counsel. This Exhibit, a copy of this Exhibit, is about nine pages. You will help us, as well as counsel for the defense, if you will state now the purpose for which you offer this in the light of the testimony of the defendant. Very briefly, if you will, please.

Versin reacted, and that Farben was fully advised of this reaction appears from this document, and I particularly refer to the following parts. First, page 2 of the English mimeographed copy, the end of the second paragraph, page 3 of the mimeographed copy, which is a letter to the Dresdner Bank, attention Zinsser, to the first and fourth paragraphs; and finally to page 5 of the English mimeographed copy, paragraph 4, and then the last paragraph numbers 3, 4 and 5 of this letter. Numbers 3, 4 and 5 of this letter. And the last document in this connection is a file note of November 4, 1938, beginning at page 6, and here I refer to numbers 1, 2 and 3.

THE WITNESS: May I ask something, Mr. President?

THE PRESIDENT: Yes, surely you may do that. .

THE WITNESS: I wanted to know whether the part underlined in red; the file note of Mr. Kersten, is to be applied to me particularly.

MR. NEWM N: Just a minute.

THE WITNESS: I am not quite clear what you mean that is supposed to be of special interest for me.

MR. NEWMIN: I have no other questions in connection with this docu-

BY MR. NEWMANI:

- Now, Dr. Ilgner, in discussing the tone and spirit of the negotiations in which you participated with Prager Verein, you stated yesterday that it was gentlemanly cautious and polite as is customary in such negotiations. Now I ask you, is it customary in such negotiations where one party states that they shall endeavor to cooperate so as to preserve friendly relations in the future, for the other wrty to reply that, I quote: "We agree with your statements on condition that you refrain from any actions directed against Gurman e conomy because in such a case you could not expect us not to make use of appropriate counter—measures."
- A. I don't know what you are referring to, but I have a feeling of what you mean, I think I know what you mean. If this is supposed to be contained in any contract, which I don't know, then this phraseology reminds me of what was customarily put into a contract in the Third Reich, which was sent abroad especially when official agencies were concerned with such contracts, but I cannot give you an exact answer because I don't know. This is only a hypothesis of mine.
- Q. You will be shown NI-10723 which will become our Exhibit 2024,
  This is a draft of Perben's letter to Prager Verein, of December 7, 1938,
  and for the record I would like to indicate that the letter which this
  Exhibit refers to has previously been introduced in evidence as Prosecution Exhibit 1467, NI-10724.
  - A. Unfortunately this contains no signatures.
  - MR. NEWM N: I have no further questions.

IR. ... NHAN: Hrs. Kaufman of the Prosecution Staff will have some Surther questions on cross examination.

DR. HENZE: Dr. Henze. Mr. President in the German translation of the document that has just now been submitted, the handwritten note "draft" which is in the copy, is missing. The copy that I just looked at at the Secretary General's files, I don't know if the English text has a remark to the effect that this is a handwritten note stating "draft".

IR. MEDLE: It is a draft of a letter.

THE F.ESIDEMT: Ours does. It says "translator" nots, "handwritten" note, draft.

### CHOSS EXALINATION

BY HRS. KAUFLAN:

- Q Dr. Ilgner, you were the responsible department head of NE./7, were you not?
  - A Yes.
- Isn't it true that in 1936 you promised Major Block of the Intelligence Department of the OKN that he would receive VOMI reports from your ZEFI confidential agents and contact men abroad?
- Lesire in connection with the Far East report to get a copy of this report and, if possible, to get similar papers and interesting reports in the future. Since I didn't concern myself with such details, I invited him to a lunch together with a few of my associates. It was a general conversation we had which was, however, decisively influenced by my clear statements made to Major Bloch which he quite clearly understood to the effect that Farbon which was the largest German export firm with a very delicate position abroad could not compromise itself with anything that had to do with the intelligence agencies. We discussed this question in the commercial committee after some meeting during a lunch, I believe, and we only had one policy in this respect.

- Q Dr. Ilgner, didn't you promise, however, to transmit VOLI reports and reports from ZEFI confidential agents and contact mon?
  - a No, because I never passed on such reports.

THE PRESIDENT: Just a minute, please. Now you said "No" and trainarily that would be sufficient. I mention the matter because of this circumstance. It may be that in addition to saying "No", you think that it would be proper to make some explanation; perhaps as to whether you should make some further explanation, you may postpone it until you have thought the matter over and talked to your counsel and determine whether or not that "no" is sufficient.

# BY LES. KLUFMAN:

- Q In connection with this conversation that you discussed with Hajor Bloch and your staff, didn't you at that time promise Hajor Bloch that visitors abroad that would come to see Farben, would be referred to him.
- A Not in this form. During the lunch in the presence of Mr. Saxer,

  I promised him that the gentlemen would respect his wishes. The entire
  meeting was a non-committal conversation of a general nature so that

  I really can't tell you what actually, if at all, anything over became
  of this.
- I show you document marked NI-14677 marked for identification only as Prosecution's Exhibit 2025 and ask you, Dr. Ilgner, whether at page 4 of this document which is a handwritten statement prepared by you, you do not state "Wajor Bloch asked me whether my collaborators might not call it to his attention when some of our leading gentlemen came to Germany for a vacation, he would be interested to talk to some of them to which I agreed."
- . Do you meen the statement I made where I said quite clearly a little further, "I don't know, however, whether Major Bloch"? ....
- Q I direct your ettention to a particular paragraph and ask you, is this your language appearing in that paragraph, "Major Bloch asked me whether my collaborators might not call it to his attention when some

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of our leading gentlemen came to Germany for a facation, he would be interested to talk to some of them, to which I agreed."

A Yes, that is completely correct, but you have to read further, then it becomes clear.

THE PRESIDENT: Counsel, under the practice that this Tribunal has adopted, when a document is submitted to you, it is thereafter available to you, if after consultation you find other parts you want the Tribunal to take into consideration, you have that opportunity.

THE ITMESS: Thank you.

### BY LRS. KAUFLAN:

- Q You were friendly with General Thomas of the OK., isn't that correct?
- .. I had social contact with him, just as I had social contact with many hundreds of people.
- as military scommy leader in 1938, isn't that so?
- A I became military economy leader at the suggestion of Major Thomas, that is correct.
- Isn't it true that when von der Heyde appointed you in 1938, you instructed your staff to cooperate with him in his tasks and to make their files available for his use?
- A That isn't true, it might have been true if I had been present, then it would have been my duty to point out to my office, that is to say, to point out to my leading associates that they had to comply with the duties that the Abwohrbeauftragter had put to him by the authorities, such as keeping matters secret and so on.
- Isn't it true, Dr. Ilgner, that during the time that you were away from active participation in the affairs of I.G. Farbon the period of your illness which you described to the Tribunal in 1939, you nevertheless continued to exercise our control over the activity of your personnel?
  - .. No, that is an error.

Q I show you document marked NI-7982 which will become Prosecution's Emilit 2026.

THE PRESIDENT: Pardon me, would you repeat the document number?

138. MAUFMAN: NI-7982.

THE PRESIDENT: Thank you.

BY IRS. KAUFMAN:

Q This is a circular letter dated 20 April 1939, Dr. Ilgnor, which contains your signature as plant leader and deals with the questions of the various assignments to be undertaken by your department heads and their assistants effective as of May 1939. Will you look at this document and refresh your recollection as to whether you were concerned with the activities of your personnel during that period?

- You expect me to answer this, do you?
- Q That is right.
- In the Spring, it was customary with us to promote people, and as I have already stated yesterday on direct examination quite clearly, during the period from the 6th of September 1939 through the middle of 1940, I was recuperating from illness. That did not preclude, however, that I perticipated in these meetings as is shown from the Prosecution's documents and the commercial committee meetings. After all, I was in Berlin, and it was a matter of course that if such a list of promotions is undertaken that people are promoted. Dr. Krueger gave this list to me since he know that I concerned myself about the people in my office, that, therefore, I signed this; that doesn't say, however, that I didn't start taking over the office in the middle of 1940.
- Q Thank you, Dr. Ilgner. Now, I believe you testified that prior to January 1933 when the Nazis seized power you were stready on friendly terms with Malter Funk, the economic and press advisor to Mitler, is that right?

talked to somebody twice very briefly in your life, then you can't say

that you are on friendly terms with him.

- Dr. Ilgnor, you testified that in 1932 you were contributing about 300 to 500 Reichsmark a month to Funk's office on behalf of Farbon, and shortly after the Nazi scizure of power you were appointed by Funk to the circle of economic experts to advise Goebbels!

  Propaganda Ministry, is that right?
- as I have just stated, and as becomes apparent from my affidavit quite clearly, I invited Mr. Funk twice to attend a lunch in the circle of Bruening's friends, together with Professor Moellendorf.

  During the second discussion Mr. Funk asked me for a loan and wanted to get a subsidy for his secretary in Schlachtensee of approximately 300 to 500 marks a month. These contributions were stopped by my office at the end of 1932, that is to say, two months before the accession to power. That Mr. Funk in the next year when he suggested to the circle of friends of the commists that those representatives of Farben abroad should also be called in, since he called in a representative of Siemens, Mali-Syndikat, and Allianz, that is a matter of course that has nothing to do with friendship.
  - Q Thy word those payments to Funk stopped?
- A If somebody asks you for a loan, one doesn't ask very much. Mr. Funk had a private office in Schlachtensee. He wanted to pay a secretary who cost about 300 to 500 marks. He didn't have that concy, and that is why he asked me for a loan. That was a small contribution.
- Q Dr. Higher, isn't it true that you stopped making payments to Funk because you learned that the defendant Gattineau had made such arrengements?
- " No, that isn't true, besides that, I must make a correction.

  We assistant, Guenther Schiller, from my office stepped these payments while I was in New York, and I erroneously was of the opinion that Mr. Gattineau's office was making similar contributions. I shall

correct that in my affidavit, for what I believed to be payments of in. Sattineau, weren't really payments of him. That was a contribution of the press agency of Farbon which they made to an intelligence service which Mr. Funk was in charge of. That was business.

THE PRESIDENT: Pardon me. Just before we recess, I think it proper to sty to Counsel for the Defendants that there have been a number of documents offered as a part of Prosecution's cross examination of this defendant. These documents, at the suggestion of the Tribunal, have either been offered for a particular purpose, as indicated by the Prosecution, or certain parts of the documents have been called to the attention of the Tribunal. I mention that because it may simplify and expedite the consideration of these documents by Counsel for the Defendant or for Defendants insofar as the documents may be a proper, appropriate subject of further examination of this Defendant. The Tribunal hopes it will not have too much delay in you gentlemen familiarizing yourself with these documents, and we may not have to postpone too long the further interrogation of the witness, and we will afford you an opportunity and get your view on the subject before we call on you to interrogate the witness further.

The Tribunal will now rise until 1:30.

(A recess was taken until 1330 hours.)

# AFTERNOON SESSION \_

(The hearing reconvened at 1335 hours, 19 March 1948.)

THE MERSHAL: The Tribunal is again in session.

MAX ILGNER - Resumed

CROSS EXAMINATION (Continued)

### BY 1RS. KAUFLAN:

- Q Dr. Ilgner, in connection with your activities or in Goebbels! circle of experts you concerned yourself with the United States, is that not true?
- In the circle by reason of my experience and the knowledge that I thought that I had about the United States, I raised a warning voice against the methods of the Propaganda Ministry.
  - Q my question was, Dr. Ilgner, did you concern yourself with the United States in connection with the activities of the Goebbels circle of experts?
  - T concerned myself with the United States in the sense in which I have expressed it in my previous answer.
  - Now, isn't it a fact that before you called Ivy Lee to Germany you were already a member of that circle?
    - " No. To the best of my recollection, that is an error on your part.
    - Q Then did you become a member of the "F" circle?
- A I can't remember exactly any more, but it was certainly after the first of May 1933 because at that time I participated in the event of the first of May, and I know that I didn't know Goobbels yet at that time, and that that circle didn't exist as yet.

Q Do you know, as a matter of fact, that you were not a member of the circle at the time you oclid the Long to Germany?

that time.

Q You made reference to a May 1 date. That wear was that, Dr.

a 1933.

- 2 1933. Now you became president of the Karl Schurz Association after the Nazi seizure of power, is that not true?
  - A That is quite correct.
- . Q and isn't it also true that one of the first tasks performed by the Karl Schurz Association under your leadership was the carrying out of the projects proposed by Ivy Lee?
- " No, one can't say that. The Karl Schurz Association continued its work as it had done in the previous years, but that was a duty that was added, just as some other things were added.
- Q Didn't you work closely with the Foreign Office and the Propadanda Ministry in connection with your Kerl Schurz activities?
  - A That isn't right.
- Q Limit connection did you have with the Foreign Office and the Propaganda Ministry in connection with Karl Schurz activities?
- In connection with the Karl Schurz Association activity, I had no contact with the Foreign Ministry and the Propaganda Ministry as chairman, but since at a later time I was a member of the "F" circle until the 30th of June 1934, I had sufficient opportunity to get in touch with the Propaganda Ministry and since I further concerned myself with export questions and foreign trade questions in Farbon, I had from the years before 1933 current contact especially with the economic department of the Foreign Office. If you mean those contacts, then I can answer your question.
- 4 Dr. Ilgner, my question was, what contacts did you have with the Propaganda Ministry and the Foreign Office in connection with your activities in the Karl Schurz Association?
- A Then we have got to study the details, if you are interested in that enswer. On direct examination I related that because of the introduction or the non-introduction of the Arier paragraph the paragraph about Aryans in the by-laws of the Karl Schurz Association, I had a personal conversation with Goebbels in order to avoid this introduction. That was, for instance, the contact with the Propaganda

Ministry in connection with the Association Karl Schurz. I can't tell you details from memory, but perhaps you can tell me what you have in mind.

Q Now, is it true that the Karl Schurz Association received an annual subsidy of 30,000 Reichsmarks from the Foreign Office?

A I can't tell you that. I don't believe so. In the Association Karl Schurz we had semething that I consider my special merit, namely, we had made ourselves financially independent. From my economic department I had a list prepared about all those firms and banks in Garmany that had any business relations with the United States, and I told my business associates that it would be important that in our current budget we should be finencially independent so as not to become dependent on official agencies and in particular to be dependent on the Propagarda Ministry. If I remember correctly, our current budget exceeded 200,000 marks and we raised this money from economists circles. It is possible, I didn't concern myself with those details so much, it is possible that in connection with certain events, for instance, at the occasion of the Olympic Games when we were asked by the committee of the Olympic Games to take case of the American delegation in Germany, that was a very large delegation, and their feeding and housing cost a lot of money. I think that we might have said that "If you want us to take care of this delegation, then you will have to pay for it." It may be that during the trip when we had an opportunity to comply with such desires, for instance, " is wanted to inspect industrial plants", the propaganda coundil said, for instance, "Let those people look at certain plants", and we were efficient businessmen in that connection. We said, "Please, if you have certain desires, you have got to pay for your requests." I can't answer your question clearly and definitely, but my answer is that I consider it quite likely.

Q Dr. Ilgner, I show you a document marked NI-14315, which will become Prosecution's Exhibit 2027, and I ask you, this is a document 9676

which is a letter from Dicekhoff of the Foreign Office to you in reply to your solicitation of the Foreign Office for a continuation of the annual subsidy of 30,000 Reichsmarks which the Foreign Office had granted the preceding year, and ask you, does it refresh your recollections that the Foreign Office again granted you that subsidy?

- A May I ask you whether you expect me to answer this now or this document you asked me a question just now.
  - A Flesse answer by question, Doctor.
- " I should be grateful to you if I were permitted to read this document first, Er. President.

THE PRESIDENT: You may do that.

- Q. May I ask you --- You have a document marked NI 14315. I chieve that is an error. The document should be NI 14314. However maying read that document I will ask a question in connection with it, Dr. Ilgner, so you didn't waste your time. I would like to first, however ---
  - A. I haven't read it as yet. I haven't finished reading it as yet.
- 1. May I make a correction in the record. I would like to offer the document marked NI 14514 as Prosecution's Exhibit 2027.

THE PRESIDENT: Very well.

LRS. KAUFLANN: And distribute that document.

THE FRESIDENT: That may be done.

# EY IRS. NAUFHAIN:

 Dr. Ilgner, I would like to interrupt you to please read the document that is being presented to you now.

THE FRESIDENT: You need not waste any more time on the document you had, Dr. Ilgner, because it has been withdrawn. If you will please read the document NI 14314 which is now prosecution's Exhibit 2027.

A. Yos, I know this. I now remember this letter.
BY .Es. MAUFALAIN;

- Q. Would you tell the Tribunal whether it refreshes your recollection that you received a continuation of the annual subsidy of thirty thousand Reichmarks from the Foreign Office.
- A. That is quite correct. That is the very same thing that I said before and the document that you withdrew, but which has something to do. with this, speaks of the Olympic reception committee.
  - ]. I will put questions to you concerning the next document.

THE PRESIDENT: Just a moment. Lot's not anticipate trouble here now. There is no other document except NI 14314, Prosecution's Exhibit 2027, before you. Will you please treat the other one as confidential for the time being, Doctor.

Jou now road, Dr. Ilgaer, this document which is marked NI 14315 which

you some questions concerning that.

- A. You are now referring to 14315?
- Q. That is correct.
- A. Yos.
- Q. Now tell me, Dr. Ilgner, isn't it a fact that in cooperation with Ribbentrop's staff you used the Carl Schurz Association as an instrumentality to contact Americans who were important politically for the purpose of selling them the virtues of the Mazi government. I draw your attention particularly to the file memo dated 21 July 1936.
  - A. Are you finished with your question?
  - Q. My question is put.
- A. Yos, I can answer that very clearly. It was just the other way around. That can be seen from the document very clearly. These official agencies wanted to profit from us. They wanted us to introduce our friends who visited us, with whom we had relations, to them, and I have already, in direct examination, said that during the later years the Poreign Office and the Propaganda Ministry delegated certain people to participate in the working committee conferences of the Carl Schurz Association. Ribbentrop later became identical with the Foreign Office and that is the story that I told you about here.
- Q. Now, Dr. Ilgner, isn't it also true that you agreed to work with the Foreign Office on pretty much the same question that is to submit your contacts to the Consulates in America located in the United States, because work could be done more effectively with less suspicion than work directly through the Carl Schurz Association. In June 1936, before Ribbentrop was a member of the Foreign Office was the Foreign Office.
- A. The request of the authorities, the desire of the Fereign Office to be infermed about the activities of the Carl Schurz Association was not made dependent on the date on which Mr. Ribbentrop became the Foreign Minister. I just mentioned his name in connection with the Foreign Office just now. But your question just now --- I'm sorry, I

didn't understand the sense of your question. I don't know what you

- Ten't it a fact, Dr. Ilgaer, that you agreed that the best way to encourage relations with the Americans "we looked after Carl Beharz Association through the Consulates, especially as the consulates, which mainly serve economic purposes offer less chance of suspicion than regular contact with the Vereinigung Carl Schurz would do, and therefore Herr Leitner of the Foreign Office thinks it would be wise if at certain intervals we, the Carl Schurz Association, would send the consulates in charge a report on the Americans residing in their district who are taken care of by the Vereinigung Carl Schurz so that the relations can be further looked after by the consulate."
- A. I'm sorry, I don't remember such details. You would have to assist my memory. I can see that all these file memos have been signed by the business manager-Der Haas and I probably never read them.
- 1. Dr. Ilgner, first I would like to show you, to refresh your recollection, Document HI 14316 which will become Prosecution's Exhibit 2026, and I direct your attention —— 2029 —— and I direct your attention particularly to paragraph 5 of page 5 of the document. This is a file mano prepared by Dr. Draeger who was the acting president of the Carl Behurz Association. Does this document refresh your recollection concerning the passage which I read to you?
  - A. I have to read it first.

THE PRESIDENT: Give him time to read the document. He is entitled to do that.

#### BY LRS. KAUFMANN:

- 1. Dr. Ilgner, have you completed your examination?
- A. No, unfortunately I haven't finished it as yet.
- C. Dr. Ilgner, I am only concerned at this point with refreshing your recollection concerning the discussion about cooperation with the American Consulate. Have you glanced at that portion of the document?
  - A. What paragraph is that please?

- e. Page five of the original document, item number five -- probably down towards the end of the page. It's the second puragraph of that
- A. Yes, I am going to ensuor your question and I am going to quote from your document. This is all connected together. It can't be term from the context. This is a file note from the business management. It can hardly serve to refresh my memory because I never read it. At any rate I can't remember ever to have read it.
- Q. You have just stated it does not refresh your recollection, is that correct?

THE PRESIDENT: He said it hardly did. Give him an opportunity to master. Go shead and answer the question.

A. The entire trend of what was going on around that time, the desires of the efficial agencies, now comes again into my memory as to the essential contents. I can give you a sufficiently clear answer for that reason. I quote. What the other hand he considered a strict separation necessary to the extent that the Vereinigung Carl Schurz should concentrate itself on Germany and the Carl Schurz Memorial Foundation should confine itself to the United States." And at another place, I quote: "This would make the Vereinigung Carl Schurz get into a certain suspicion of making propaganda, and for that reason they should confine themselves to Germany." In regard to your question about the consulates, the connection, Maerican professors and students and other persons frequently visited us in Germany, and we kept a current correspondence with those people. To be more

exact lir. For Hass maintained constant correspondence with these people. Now, what you have asked about the consulates, there has been some mention made about the corresponding numbers, and in this case again Mr. Luitner, who is under discussion here, from the Foreign Office, was of the opinion that in order to avoid even the least suspicion of any propaganda activity in America, that it would seem inexpedient that the Verbinigung Carl Schurz should take up contact with our corresponding members. He recommended to us to give us the names of those correspondents —

THE AFSIDAT: Just a moment.

Q May I ask you, Dr. Ilgner, whether you are interpreting the contents of this document or whether you are referring to your own recollections.

A It's black and white on the document.

THE PRESTREAM: Will you please repeat your question. I am not sure that I know the limitations on it myself and then we will see if he answered or not.

Are you now discussing your recollections, Dr. Ilgner, which were refreshed by this document, or are you merely interpreting the document for the Court.

A I am quoting from your document. Then you can see that I am not interpreting but that I am quoting from the document.

THE FFESTLEMT: Let's wait for one more question. Ask your next question, counsel.

BY ARS. KAUTAAMI:

Now, Dr. Ilgner, you just testified that you had never seen this meno. I show you document marked WI-16534 which will be Prosecution's behibit 2030, and ask you, does this document not contain a detailed reply to the memo discussed by Dr. Draeger which you have now examined? I direct your particularly to page 4 of the original document.

- a First of all I want to tell you that you have falsely repeated what I said. Is aid before that I couldn't remember ever to have read this file note since normally I didn't concern myself with such details. The letter that you are now passing to me is written by Mr. Der Hass my business manager it's drafted by him and, of course, if I read it through I shall remember the details again. However I don't know what particular questions you want to ask me in regard to this document.
- Do you have a document dated 4 July 1936 in your possession now?

  Is that document dated 4 July 1936?
  - A Yes, I have got it.
- Q Just one question in connection with this decument. It bears your signiture, is that correct?
- A Yes, yes, I told you. It's a letter which Mr. Der Hass drafted and which I signed.
- item five of that document, and I ask you, does it state --
  - A Just a noment please.. Point five is on page five.
- "The idea to remain in close contact with the consulate office is right according to my opinion and we shall follow it if it has not yet been done."
  - A What do you want to know now?
  - W Is that what that letter states?

THE PRESIDENT: Counsel, it's not necessary for him to answer that.
BY HRS. NOUNDAME:

- Q Foos that refresh your recellection that you agreed to the proposal suggested in the previous document?
- A Yes, with the suggestion that I wanted to quote here but that I wasn't abla to express quite clearly.
- Dodd of the United States was a frequent guest of the Carl Schurz Association and was kindly disposed towards the Carl Schurz Association, is that so?

- A ies, that is my opinion.
- Q Now, Dr. Ilgner, isn't it true that you complained that Dr. Dodd was unfriendly to the Carl Schurz Association?
- A I never experienced any friendship in which there wasn't sometimes some difficulty. It's quite possible that this friendship suffered
  some difficulties. I cannot recall details, perhaps you can refresh
  my memory.
- Q I show you document marked NI-14688 which will be Prosecution's Exhibit 2031. I should like to correct the record, if it please the Tribunal. I'd like to offer this document in evidence to establish the fact that the defendant Ilgner did complain that Dr. Dodd's attitude towards the Carl Schurz Association was unfriendly.

THE PRESIDENT: And you do not desire to interrogate the witness on the subject?

MRS. KAUTFARM: No.

THE PRESTURNEY Vory well.

A That is ar. Dodd's book that was published in Switzerland, isn't that right? Isn't that the book that Mr. Dodd's children published after the death of their father?

O Dr. Ilgner, this is Dodd's diary, published in 1941 and I have no questions to direct to you concerning that diary.

THO' HRESIDFIC: New defendant, the prosecution has said that it has no questions to ask you. Just please bear in mind now if there is anything in that that is proper for you to testify about, your own counsel will interregate you.

BY MRS. KAUFMANN:

C. Did 1 understand you correctly, Dr. Ilgner, to state in your testimenty that the authorities did not consider the boosting of exports resential to the Four Year Plan?

A ho, I never said that. On the contrary. You must have misunderstood that.

- Q It's your testimony that they did consider the promotion?
- A No, that is not true either. I told you that we were consequently inconsequent. That there were various times -- during certain times export was stressed and other times exports were not stressed.
- Q all right, now, Dr. Ilgner, is it true that in August of 1937
  Firban regarded the boosting of exports in connection with the execution of the Four Year Plan as having priority over everything else -even defense politics?
- A Yes, that was before the introduction of the Four Year Plan, however.
- Q Not August 1939 was before the introduction of the Four Year Plan.
  - A Yeu said 1936 just now, didn't you?
  - 2 I am sorry. I intended to put the question as August 1937.
- A In August 1937 we had just had the International Congress of the Chamber of Coumerce, and there we had strongly taken the point of view that the fluctuation to the lower level should be raised because Mr. Guring considered export as superfluous and this opinion was to be counteracted and I explained that very much in detail on the stand here.

Q Now, is it a fact that on your trip to South America in 1936 you instructed your representatives abroad to conform to the wishes of the Auslands organization?

A No. You can't say that in that form. I made detailed statements about that on direct examination. If you desire, I will repeat it all once more.

Q You have referred to your previous examination. That is satisfactory. Dr. Ilgner, was it your idea to select among nationals of the industrially backward countries those of German descent to train them for your industrialization program in those countries so as to bring about a regeneration of the type in the environment of a German community to create the required and loyal attitude towards Germany?

A That is a question that has been put very complicatedly about a simple subject. I didn't invent that idea. That would be too presumptive of me. It was a much older idea but I took up the idea that in those countries in which national tendencies were emphasized — for instance, where it was asked that only members of the particular country be employed in certain anterprises — in those countries I held the idea that those nationals of those countries that had any relationship with Germany should be given a certain amount of training. It is quite normal in the course of business to exchange personnel and to train them mutually.

Q My question was put to you: was it your intention to train these people to create the required and loyal attitude towards Germany.

A Excuse me. The way you have put your question it is impossible to answer it. The task was to train people who conducted themselves decently towards our enterprise and to Germany. I expect every employee to be loyal to my enterprise. There is nothing special about this.

MRS. KAUFMAN: The Prosecution will offer Document NI-14517 -

it is Exhibit 2032 -- to establish the fact that the defendant Ilgner supported the program described in the question. This document is an excerpt from a report on Dr. Ilgner's Latin American trip.

Q You testified, Dr. Ilgner, that you were in charge of the mobilization for I.G. as to commercial matters as distinguished from the technical matters which were the jurisdiction of the Vermittlungsstells W. Is that correct?

- A No, that is not correct. I didn't say it, either.
- Q May I now show you, document marked NI-5619?
- A May I also get a copy of that document, please?
- Q May I show you document marked NI-5619 which is Prosecution's Exhibit 2033? This is minutes of the Commercial Committee dated 2D January 1938 and I direct your attention particularly to item 6, called "Mobilization Projects." Does that refresh your recollection, Dr. Ilgner, that you were placed in charge of mobilization for the commercial questions?
  - A May I first be permitted to read this document, please? THE PRESIDENT: You may do that.
  - Q Plans | look at Itam 6 of that document.

at the document I must remind you, so that you know how to plan
your cross examination, that you have approximately 45 minutes left.

MRS. KAUFMAN: Thank you.

- A Yes, I have read it. What was your question, please?
- Q Does that refresh your recollection that you were placed in charge of mobilization questions for the Commercial Committee at that time?

A No, that doesn't refresh my memory because what is written in this document I knew before you showed it to me; but your question is based on wrong presumptions. The Commercial Committee was alone competent for M questions and I am here only

reporting about a conversation with Dr. ter Meer about the political sconcary department inFarben where certain difficulties had arisen about which documents had been submitted and since --

THE PRESIDENT: Now, just a moment. You have said, Dr. Ilgner, that it does not refresh your recollection as to the matter inquired about and that is a complete enswer. It is not necessary to elaborate about it unless your counsel can properly go into it.

Q Dr. Ilgner, you wrote that article on Newbacher appearing in the May 1939 issue of "VonWerk Zu Werk" in which it was said that the annexation of Austria was the crowning of the eternal German dream and a definite return of Austria to the German Reich.

Is that correct?

A No. That is not right, The article was written by the chief of the press agency "Mario Passarge."

Q May I show you document marked NI-14676, which is marked for identification only, as Exhibit 2034; and I direct your attention to page 13 of that document, item marked "II," subdivision "2", and I ask you: does it not state in this document which is a statement prepared by you?

A May I ask you -- what document are you speaking about, please?

THE PRESIDENT: NI-14676.

A Thank you very much, Mr. President.

Q Now, at page 13 of that document, Dr. Ilgner, does that .
refrash your recollection that you --

A "15" -- is that right?

THE PRESIDENT: "13."

Q Page 13, Dr. Ilgner, Roman numeral "II," item "2."

Does that refresh your recollection that you wrote this article?

DR. NATH: Excuse me. I did not receive a copy of this document and I can't follow the proceedings.

MRS. KAUFMAN: This document is marked.

A Mr. President, I can answer very clearly.

straight. This is a different situation than ordinarily. This document is not offered in evidence. The Tribunal does not expect to see it on this date of the record after the question is answered; the Prosecution will be expected to put the document in the files where defense counsel are entitled to see it. The question is just simply as to whether or not this does or does not refresh your recollection as to the fact inquired about it. You can enswer it "yes" or "no" and that is the end of the inquiry and the end of our concern in the document unless it becomes important afterwards.

Can you enswer "yes" or "no" to that question, whether that does refresh your recollection that you wrote the article referred to?

Does it or does it not?

A Mr. Frasidant, would you parmit me to answer in two sentances? This is a statement of mine dated May 1945 which I wrote from mamory containing 40 pages and it reminds me now that at that time I had a pour recollection.

THE PRESIDENT: That is an answer and that is the end of the document and the document will be made available for counsel in the files of the Secretary.

Q You ware present at that meeting of the Commercial Committee which took place on March 11, 1938 when the news concerning Austria and the discussion of the short rush into Czechoslovakia took place. Is that not so, Dr. Ilgner?

THE PRESIDENT: I think you were talking -- just a moment -I think you were talking into your briefcase instead of your "mike."
You better get it into the record.

A Excuse ma; I beg your pardon. That was a meeting of the Commercial Committee.

THE PRESIDENT: The question is: Doctor, were you present.

A Yas, I was present at that meeting.

Q Now, Dr. Ilgner, isn't it true that in April 1938 you took cartain steps to strengthen the Sudeten German press?

A I can't recall that, but we supported newspapers frequently. It might be quite possible that we gave support to Sudeten German papers by giving them advertisements or making monetary contributions. That is an affair for the Press Office, it may be; I don't know any more. Q I show you Document MI-6072 which becomes Prosecution's Exhibit 2035 and ask you to please look at Item 8a of this document to see if it refreshes your recollection that you proposed that the Sudeten German press be called upon in increased measures for publicity.

A Yes. That is the very thing I just stated. This was in connection—
THE PRESIDENT: Just a moment. You answered the question and you
can amplify it asmuch as is proper when your own counsel questions you,
Doctor.

Q Do you recall, Dr. Ilgner, that that was one of the measures proposed at the May conference on 17 May 1938 in Berlin Northwest/7 concerning Czechoslovakia which was introduced asProsecution's Exhibit 833 and which was subsequently approved by the Commercial Committee held on the 24th of May?

A Yes, I remember that I have read this document, of which you speak here, in Nurnberg and I assume that that was also reported to the Commercial Committee in that connection. You are quite right.

Q Now, Dr. Ilgner, wasn't it about that time that you proposed to lfr. Weizsaecker of the Foreign Office your plan to influence members in the International Chamber of Commerce in the German interest?

A I am sorry. You would have to assist my memory somewhat. I can't remember it.

I show you document marked NG-1556 which becomes Prosecution's

Exhibit 2036 and ask you: does that refresh your recollection that you

proposed a plan to Weizsaecker to influence the members of the International

Chamber of Commerce in the German interest?

A May I read it, please? No, that does not refresh my memory at all because this short document doesn't permit one to see anything. This is a memo of the Foreign Office, this is a short conversation that I apparently had with Mr. Weizsaecker. I am sorry I can't tell you anything. There is nothing in this document at all.

O Do you recall, Dr. Ilgner, that the plan referred to in the document you have just read was the plan for the 1938 Kieler Woche concerning which you offered some testimony here?

A If that was so, I don't know; but if it did refer to the Kieler Woche, my attention was, as I have explained on direct examination, to stop the criticism against German foreign trade methods by talking to an expert on foreign trade questions so that we might explain to them that these foreign trade measures of Germany were necessary for economic considerations; but I have treated that subject to such an extent that I don't think you need to get any further answers from me here.

ş

Q Now, may I also ask you, Dr. Ilgner; wasn't it true that you intended to utilize the informal character of this Kieler Woche meeting to promote in an inconspicuous way a better understanding of Germany's economic measures?

- A Certainly -- quite clearly.
- Q Did you discuss this plan with the German authorities and with Goering?
- A Not with Goering. I didn't even know Goering, but I talked about it with Schacht and I told you about that very much in detail.
- Q In your testimony you referred to your speech in September 1940 before a group of industrial and economic leaders of Southeast Turope sponsored by the Mitteleuropaeische Wirtschaftstag. You introduced excerpts from that speech in your document book VIII, marked Document 129. Is it your testimony that your policies in Southeast Europe were in conflict with the policies of the Nazi government?

A Not all of our policies; I wasn't only getting into trouble but we had many troubles.

Q Is it a fact, Dr. Ilgner, that you told the representatives who listened to you at this Southeast European meeting that your program was an implementation of Germany's foreign policies as it was expressed at that time in September of 1940?

A I don't know what you mean. I am supposed to have said that my speech was an implementation of German foreign policy? Is that what you mean?

Q by question is: did you in your speech tell the representatives
of the Southeast European countries who listened to you that your program,
as it was expounded in that speech was an implementation of Germany's
foreign policy as it was expressed at that time?

A First of all, I have to correct you. I didn't speak to representatives of the Southeastern European countries but I talked to the German members of the Mitteleuropaeische Wirtschaftstag and I believe we had only two honorary guests. One of them was the Bulgarian Minister of Commerce, His Excellency Sargoroff, who was sitting next to my colleague Hajlwoski at the time; and the second guest was a Hungarian gentleman whom I don't recall — but I don't understand your question.

MRS. KAUTTAN: The Prosecution will introduce Document NT-1038, without putting any questions to the witness, to establish the fact that this comment was contained in his speech, as Prosecution Txhibit 2037.

Q Dr. Ilgner, is it a fact that earlier in the year, one or two months prior to September 1940, you had been put in charge of I. G. Farben': plans for the "New Order" in Southeast Europe?

A I don't know what you mean. I don't understand you. Farben plans in Southeastern Europe and a "New Order"?

Q Correct.

A ffell, you will have to show me something. The business policy of Farben in Southeastern Durope was not influenced at all by the New Order. Our business policy was very old.

Q Then your answer is "no" to that question. Is that right, Dr. Ilgner?

A The way you have put the question, I have to answer with "no".

1RS. MAUFHAN: May I direct the attention of the Tribunal to

Prosecution's Exhibit 818 in connection with that question?

Q Isn't it true also, Dr. Ilgner, that Farben, together with the Hitteleuropaeische Wirtschaftstag, also in August of 1940 sponsored a training program for young businessmen of the Southeast so that they could be trained to serve the interests of Cermany? Would you please put your answer on the record?

A Yes, but not for the business interests of Germany but for the particular business interests of I. 9. Farben.

Q You knew at that time, did you not, that the New Order of Europe was a plan for the domination of European economy by Germany?

A This New Order didn't have the significance to us as it has to the Frosecution. This plan didn't interest us for our business policy at all. At any rate, in regard to the Southeastern area, it certainly did not influence the policy in the least.

Q Dr. Ilgner, you knew at that time, did you not, that the exploitation of the raw material supply of Southeast Europe was essential to Germany's war plans? This is in September of 1940.

A I am one of the best known and most recognized opponents of such tendencies, as opposed to the Mazi government. The fact that there were certain agencies in the Third Reich that wanted that, I know.

Q You knew that, Dr. Ilgner. Did you know, Dr. Ilgner, that the German authorities planned that propaganda be carried out by German industry so that to this end, and beneath the modest cloak of private publicity, accessmust also be obtained to these circles abroad which are less easily reached by official propaganda?

THE PRESIDENT: Counsel, that question is improper unless you are quoting something that he may have said in which event it might be proper to ask him if the did say it. In other words, the question has many angles to it that it is just confusing. Now, if you are quoting him, that is entirely proper — and asking him if he did say it.

question is: did he hear that -- did he know and learned that German 9694

authorities planned that propaganda plans carried out by German industry.

THE PRESIDENT: That doesn't answer the question; that is hardly a question in that form. Now, if somebody said that in a letter, if he said that in a speech or it was in some document that presumably he saw, you may ask him if he saw that. I don't care about the form of the question, but if it is just a question itself it is too complicated.

HRS. KAUFMAN: Thank you.

Q Do you recall attending a meeting of the Commercial Committee where the proposal was discussed that — and I am quoting the proposals:

"German economic propaganda abroad doesn't satisfy the present requirements of total warfare and is, therefore, not capable of influencing public opinion. Since propaganda is to be considered an important weapon, every available means must be employed in order to prepare a way for the idea of a common European destiny and a common European economic territory.

Emphasis must be laid here on economic scientific and technical achievement of the world famous Cerman industry to this end beneath a modest clock of publicity. Access must also be contained to those circles abroad which are less easily reached by official propaganda.

THE PRESIDENT: Dr. Ilgner, the question is: do you remember attending a commercial meeting in which the matter quoted was discussed?

A lir. President if this is read to me in such a manner, I can only say that I don't remember it.

THE PRESIDENT: That is sufficient answer.

A Is this a record of the Commercial Committee or is this a quotation from some other document?

Q You have answered the question.

MRS. KAUFMAN: Do you recall, Dr. Ilgner, that the Commercial Committee at the meeting at which this was discussed, agreed to take the necessary sction?

THE PRESIDENT: How he has not said that he remembers. You say, "at which this matter was discussed", and he says he has not recollection of it being discussed.

MRS. HAUFMAN: May I introduce Document NI 1439 as Prosecution's Exhibit 038, and Document NI 10568 as Prosecution's Exhibit 2039, to establish the facts discussed in the last question?

Q You testified that the report of the Verbindungsmaenner were normal business reports, and contained no military or intelligence information. I call your attention to the following portions of the Verbindungsmaenner resorts which have been introduced as Prosecution's Exhibit 906, and I quote:

"The Inter-American Defense Commission set up in Washington has been informed by the Morthern American authorities that the United States are willing to arm the vessels of all American countries with guns.

Simultaneously, it was recommended to the Commission that steps be taken for the uniform financing of the entire traffic of the American countries".

And then I direct your attention to Prosecution's Exhibit 907, another excerpt from a Verbindungsmaenner report which states:

"Argentine representatives also participated in the Inter-American
Defense Conference in Washington; as regards the first secret meeting of
this Conference, it is known that one of the matters dealt with was the
protection of navigation in the Inter-American traffic by the convoy system,
and other protective measures, and in this connection, the Argentine
Covernment on another occasion expressly declared that it was not in
favor of Argentine ships taking part in these convoys."

Now my question to you, Dr. Ilgner, do you recall having read these comments in the Verbindungsmaenner reports?

A You made a number of assertions and questions. Your first assertion that I allegedly said on direct examination that the reports of

the I.G. Ferben liaison men never contained any intelligence information, is incorrect. I did not say that in direct examination. I did say on direct examination that our Farbon Verbindungsmeenner never received any instructions to report about military things. That is to say, a chapter on the military affairs in the report, as contended by the Prosecution.

I said further that in connection with the powder project in Argentine and Brazil, these were projects emanating from the General Staff of these countries....

THE PRESIDENT: Now let me take advantage of the yellow light, Doctor, to remind you, you are asked a civil question of whether or not you have any memory now, - any recollection of having read this quotation that was centained in Counsel's question. Do you or don't you remember of having read it. Do you have any memory of reading it?

THE WITHESS: No, Mr. President, I do not remember. There were many such reports.

THE PRISIDENT: That is an enswer.
BY MRS. KAUFMAN:

Q How you discussed your attitude towards the program of the Feri Party, and I hope I understood you correctly this time, Dr. Ilgner. Is it true that you stated, --

THE PRESIDENT: Let the lady finish her question, and then we will hear you.

IR. NATE: We have looked for this document presembly discussed in the Presenction's Book. It was called 906, - Exhibit 906. We cannot find it in our document book. Perhaps there is some mistake about this number.

MRS. KAUTMAM: May we look into this question at a later date and correct the state of the record if necessary?

THE PRESIDENT: Take it up with some of the other counsel for the Prosecution and see if they can help you find your Document.

I may say on that subject, the document you marked as Your Exhibit 9697

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2038 was not handed to us. We have got 2039, but we did not get the one identified as 2038.

## BY MRS. KAUFMAN:

Q You testified concerning your attitude toward the program of the Nazi party. Did I understand you correctly when you stated, "Except for some minor point of the programs, such as Old Age Funds, Maintenance of a Sound Middle Class, Positivo Christianity, and one or two others, you were opposed to the principles set forth in the Party program? Is that

A No. On the contrary, I said that I had seen a few points in the program that seemed, or that sounded reasonable, and I said furthermore, that a number of points were contained in the program to which I was very strongly opposed.

Q Dr. Ilgnor, do you recall over having made the statement saying: "Boforo I stop I want to make a remark. I am not going to add my name to the list of those who say today, 'I have been always anti-Mazi'. I know today, that by my cooperation, for what reason seever, I have helped also do my part, like most business men in Germany, the Mational Socialist Severnment to go ahead. When the National Socialists evertook the Government in 1933, after we had more than 30 parties in the Reichstag, in the years before and after all of the attempts of leading business men and economists, in which I took a very active part to give assistance to the Bruening Covernment, were a failure; on account of the inter\_political situation in Germany, I had at least a certain hope that the National Socialists would have a chance to bring things in order, even when I said in a conversation in the fall of 1932, in the National City Bank of New York, to Mr. Gordon Ronnssaclor, that the National Socialism was not right at all, and that even though I never voted for the National Socialist Party, I was convinced in the year 1933 that this was the only chance left to us, and that we had to try it".

THE P. ISIDEMT: The question is, do you remember ever having said that?

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BY MR. AMCHAU:

A Yes, that is one of the statements that were made at the penitentiery in Procegosheim, in 1945.

THE PRESIDENT: That is an answer to the question.

MRS. MAUFMAN: Mr. Amchan will conclude the rest of the examination. BY MR. AMCHAN:

I have in mind, if Your Honor please, 10 or 15 minutes, and that will conclude the entire Prosecution's cross\_examination. I think I might say we estimated three hours and we are 15 minutes short of three hours.

THE PRISIDEST: There is a matter of five minutes difference between your ideas and the Court's, but you go ahead.

Q Dr. Ilgner, did you ever discuss with Dr. Krauch your program or ectivities in Southeastern Europe?

A Professor Erauch was the Chairman of the Aufsichstrat of Farben, and even if he concerned himself very little with Farben, and later not at all any more, then he could still very much likely have said that, since he was in Berlin, that after all I should inform him briefly, perhaps twice a year or once a year --

THE PRESIDENT: There are just three possible answers to that question:
"Yes" that you ever discussed that with Dr. Krauch, Maybe you want.

to say, "Yes". Maybe "No". It may be that you do not remember. Now
take your choice of the three answers and let's get along.

A Yes, but I did not discuss it with him, but I told him about it.

THE PRESIDENT: That is a good answer.

BY MR. AMCHAN:

Q Did you ever discuss with him, synthetic gasoline and mineral oil in southeastern Europe?

A To the best of my recollection, no.

Q You testified that in 1945, you were interrogated by the Army authorities at Frankfurt and made about 150 statements, and that the Murnberg afficavits are essentially a consolidation of your Frankfurt statements.

Is that correct?

A Mo, I was not interrogated in Frankfurt by authorities of the American Army, but by the Bernstein Committee, from the Department of Justice.

Q That is Colonel Bernstein of the United States Army that you are referring to; isn't that correct?

A I did not have the fortune to make his personal acquaintance.

Q Were you informed that that was Colonel Bernstein of the United States Army?

A Eo, I learned that at a later time.

Q How you testified that after your Nurnberg affidavits, you had inhibitions against making changes. Now what kind of inhibitions are you referring to?

A During the first official interrogation in Murnberg, conducted by Mr. Sprecher personally; in which Mr. Sprecher was aided by Miss Belle Mayer, Otto Verber and a court reporter participating, Mr. Sprecher told me in a very decided manner, and he confronted me with a statement that I had made an attempt to influence my colleagues not to tell the truth; to conceal certain things, and he made some other statements.

This interrotation was conducted in English against my will, so that I was given the impression that the reliability of my previous statements was also to be deubted, and that if I now started to correct my provious statements, that that would corroborate the assertion of the Prosecution that I was unreliable. I as not told I was committing perjury, as my colleague von Schmitzler was told, but the tone of the statements was the same. These were the inhibitions that I had.

THE MARSHAL: The Tribunal is again in session.
BY MR. AMCHAN:

Q Dr. Ilgner, with respect to this interrogation by Mr. Sprecher that you discussed, in which you stated you had inhibitions about making changes, I ask you: Is it not a fact that in that interrogation Mr. Sprecher asked you to please make your answers direct and responsive and not engage in extended speeches? Did he not ask you to do that?

A Mr. Amchan, I did not have the intention — and you have heard that in the direct examination — to go into this first interrogation here in Murnberg in so much detail. I had believed that I had expressed myself sufficiently clear to be understood, and nevertheless to be recticent in making my statements. That was my intention. But, after you now insist and ask me for details I must now tell you — and since I am now on the stand and since I cannot keep anything back, I must answer you that this thing was different.

Q Would you please answer the question I put to you, whether what I stated was the fact or not?

A No, in this respect it does not correspond to the facts. It was different.

Q Now, Dr. Ilgner, is it not a fact that with respect to your efficients, typewritten copies were given to you. an opportunity afforded you to make changes? And is it not a fact that you did receive these typewritten copies of the prop sed affidavits and you did make changes extensively in your own handwriting? Is that not so?

A I do not understand you. Do you mean the statements from 1945?

Q Now, I show you --

THE PRESIDENT: If you want an answer to that question you had botter indicate the time.

Q I am talking about your statements in Nurnberg and the affidavits made by the Office of Chief of Counsel for War Crimes, and the question is: Is it not a fact that you first wrote out in longhand, in your own handwriting, the drafts of the statements from which the affidavits were

Inter mode, and in other cases after your interrogations you were given typewritten copies of drafts of affidavits and you were given an opportunity to make changes and corrections? And did you not in fact make extensive changes on these drafts in your own handwriting?

Could you enswer that yes or no, please?

A No, I shall not answer this with yes or no. Yesterday, in my direct examination I said that four of the affidavits which were introduced were given to me for my signature while I was sick in the City Hospital of Jurnburg. I made a lot of changes in these affidavits.

Furthermore, on a holiday on the 1st of May unexpectedly Mr. Verbor appeared in the City Hospital while my daughter from Munich was visiting me, and he gave me these affidavits for signature. He took away my whele time which I had with my daughter. She left without having spoken to me. And Mr. Verber know that my Caughter was there, and I tried to get through as quickly as possible. And if you look at these affidavits you will see all those handwritten corrections. And what I said in my direct examination refers to these affidavits. And you will get my supplementary affidavits.

Q Now, I'am going to give you a series of documents and I will identify them for you, and then just wait for my question.

First, I am giving you a photostat, NT.5514, that is already in cvidence as Presocution Exhibit 377. Along with that I am giving you a document which is being identified as NI\_6544-A.

How, if Your Honors please, this series of decuments with an "A"

I intend to introduce for indentification only.

Now, with respect to Document 6544-A, my question is simply this: Is that decument in your own handwriting? Just tell me yes or no.

A Yos, this is absolutely correct.

THE PRESIDENT: Just a moment. Now, that question is answered. Now let us get the exhibit number on this so we get our record straight.

NI\_6544\_A will be your document.

MR. AMCHAN: 2040, for identification.

THE PRESIDENT: 2040 for identification.

Q Could you very briefly—and I say briefly—glance at Exhibit 2040 for identification and tell me whether or not that corresponds to the photostat 6544, which is in evidence as Exhibit 377?

Just tell me briefly, yes or no?

A I shall just look through it... I see that Mr. Vorbor made a few corrections. I cannot really tell you now whether this is exactly the same as this one. I can't do it.

Q New I show you in your own handwriting, first the photostat II-6699, that is Prosecution Exhibit 297, and along with that I show you a typewritton copy, MI-6699-A, which we offer as Prosecution Exhibit 2041 for identification.

And my question is simply this: With respect to Document 6699-A, Exhibit 2041 for identification, could you please tell me whether the charges in that document are in your handwriting?

A That is my biography. That is a very unimportant document. You, it is in my handwriting.

Q Now I show you, Dr. Ilgnor, photostat FI-6702, and along with that a document which is a typowritton copy FI-5608-1, which we offer as Prosecution Exhibit 2042 for identific tion,

THE PRISITEST: Just a moment. What is NL 5670? Is that an exhibit?

MR. AMCHAN: My records, if Your Honors please ...

THE PRISIDENT: The first one you spoke on.

MR. AMCHAJ: 6702 is Exhibit 772 in evidence.

THE PRESIDENT: Thank you.

#### BY MR. AMOHAM:

Q 6702-A is Prosecution Exhibit 2042 for identification. Now,
my question, Dr. Ilgner, is this. With respect to 6702-A, are the changes
made there in your handwriting?

A Mr. Amchan, you do not get the point.

Q Will you please answer my question?

A In my direct examination I have said that all these affidavits—
THE PRESIDENT: Just a moment. This is a simple proposition.

We may not be through with these documents, but we can dispose of the matter in hand very promptly. The only inquiry of the Proseuction is whether or of the changes in the document NI...6702...A, which has been marked for identification as Prosecution Exhibit 2042, are in your own handwriting.

A Yes, that is true.

THE PRESIDENT: That is all that is before this Tribunal now.
BY MR. AMCHAH:

Q Dr. Ilgner, I show you Document NI\_6348, that is Proseuction Exhibit 1209. How, along with that I give you a photostat of a document identified as 6348\_A, which we offer as Prosecution Exhibit 2043 for identification.

Now, my question, Dr. Ilgner, is directed to Document 6348-A, the photostat, which is Prosecution Exhibit 2043 for identification. And I ask you, Dr. Ilgner, are the changes made in that document in your handwriting?

THE PRESIDENT: Do you mean the last-mentioned document?

Q That is 6348-A, Exhibit 2043 for identification. Are those changes in your handwriting?

A It is a photostat of the affidavit which has been introduced which shows that I made a number of corrections which I initialed.

Q Is that in your handwriting?

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A Yes, I initialed them with my hand.

MR. AMCHAI: I don't think I shall pursue this further, if Your Honors please. I might just ask procedurally, we have offered these documents for identification only and I would like to respectfully ask the Tribunal to look at them. We did not offer them for the contents, just for the question of identifying whether these particular documents bear his signatures.

"HE PRESIDENT: This Tribunal has no business in looking at anything

of an evidentiary character that is not in evidence before it. When you identify them, you make them a part of the archives and open them to counsel for the Defense. But the Tribunal cannot consider anything that is not evidence. And unless you wish to introduce them, we have no concern or interest in them, and we will not consider them in this case.

There is no way that I know that this Tribunal has any business of considering any document that is not in evidence in this case.

MR. AMCHAN: It is concerned only, if Your Honors please, as you can well see, with the mechanical problem of processing this thing. May I inquire whether the Defense is willing to waive the distribution in the event the Presocution offers them in evidence, and just take photostatic copies, say, of about five or six each, because it only involves the defendant Ilgner. Does the Defense....

Prosecution's purpose is only to call the attention of the Tribunal to the corrections or changes that have been made in these, and if a sufficient number of photostatic copies are furnished counsel, and if you will withhold the offer of the documents until counsel has an opportunity to see it, I assume that counsel for the Defense would not consider themselves harmed by that. They may speak for themselves, however: I shall not commit them.

## E" ID. ALCUAT:

- Q. I will just ask one more question of the witness now. Now, Dr.

  Ilgner, is it a fact that when you signed the affidavits which the

  prosecution offered in evidence, the affidavits that you signed, or exact
  copies of those drafts which were changed in your own handwriting, is that
  a fact?
- a. No, not always. There are always some corrections, but I could not answer this to you cumulatively like that.
  - Q. We have no further questions. We will not ofer them in evidence.

    THE PRESIDENT: Very well. Is that all?

MR. ANCHAM: That is all on the part of the prosecution.

THE PRESIDENT: Very well. Now what is the disposition of the counsel for the defendant Ilgner with refrence to redirect examination?

DR. MACH: Your Honor, in cross expanination the prosecution has offered a great number of documents which are a very weighty package of material. The study of these documents alone would consume several hours in order even to get to know their contents. In this trial, we are used to a lot of work, but it is completely impossible for me immediately to conduct a redirect examination of my client because I am of the opinion for these documents are evidently far-reaching in being rebuttal documents, and that in this case I would at any rate have to have the possibility of discussing the documents with my client. Therefore at the present moment it is completely impossible for me to carry on a redirect examination, and I would suggest that the Tribunal give me time for this on Monday. Furthermore, I ask for the following: these documents also give the defense a possibility to procure additional defense material or evidence. Now the Tribunal has expressed the desire that bo the first of April all the document books should have been submitted. In the meentime, there will be Easter, and it will be very difficult for technical reasons alone to procure additional evidence. Therefore I ask for the permission in my case to be allowed to bring them in evidence, as far as these documents are concerned, after the first of

April, and submit that to the Tribunal. I would just like to say this,
Tour Honor, if I may permit myself to make the following suggestion: I have
a witness. The witness can be interrogated immediately so that the time
of the Tribunal will be taken up and we can just continue.

THE PRESIDENT: Very well. Now with reference to the first of the two matters that you mentioned, the Tribunal views that you are entitled to a reasonable opportunity to prepare for the continuation of your examination of this defendant and it may go over until Monday. Meanwhile on Monday, will you please see Judge Hebert informally and arrange at time with him when you will be ready to take up that matter. Now if you have a witness that is available that you can use in the meanwhile than that will be satisfactory.

For as to the other matter, the order that the Pribunal made with reference to the submission of document books by April first was intended to prevent a breakdown at the last moment on the processing of documents, so that we would not be delayed by books coming in at a late time. We made a reservation in that if there was occasion for separate documents in individual cases, that we would consider those on their merits. If you have a situation that you think warrants the processing of individual documents, you take that up with the members of the Tribunal informally, and on a proper showing we will authorize that to be done. Does that answer your question, Dr. Nath?

DR. MATH: Yos, thenk you.

THE PRESIDENT: Then the defendant Higner will be excused temporarily.

MR. AMCHAY: May we be heard, if Your Honor please?

THE PRISIDENT: Just a moment, Mr. Defendant.

E. AlCHAN: I think defense counsel fails to make a distinction between the use of documents by the prosecution on cross examination which were shown to him, and as to which questions were put to him.

That situation we think is a little different from the one where after asking him questions we nevely introduce a document in evidence without

further questions or further discussion. We appreciate that in the latter case, defense counsel should have an opportunity to study them and combr with his client for redirect because it does appear to us it is in the nature of a robuttal. We cannot go along though with any suggestion of the defense that with respect to at least the documents which are used on cross examination and as to which questions are put to him and as to which he testifies, that they are entitled procedurally to time to discuss those documents and to delay the reexamination of the witness.

Now one further point I think the record ought to state: that i modifically after the moon recess, we had an informal conference with defense counsel and the prosecution consented to having defense counsel confer with the defendant for the purpose offeniliarizing themselves and the defendant with the nature of those documents which were offered during cross emphiration.

We distinctly rade it clear to defense counsel at that informal conference that we were waiving our rights, whatever they are, only with respect to this individual defendant, and that we did not intend to have our action construed as a waiver or a precedent for any future defendant.

Now I think it would be best if we got together and conferred about this administrative problem in chambers. Our only point of mentioning it on the record is that the prosecution does not want to be misunderstood. We do not want to waive our right and we do not agree that in all cases the defense are catitled to a postponement of the redirect examination.

THE PRESIDENT: Well, the prosecution is warranted in saying that whatever concessions it may grant in a particular case and to meet a situation shall not embarrass it so far as establishment of a procedent for the future is concerned. I think the prosecution is also correct that as to the documents which are purely produced as a part of a proper cross examination, the counsel for the defense would not be in a position

the selection a postponement in order to study the documents before traceeding with whatever redirect examination would be proper. However, we do have, because of what has been indulged up to this time in this case, rather a mixture of documents on cross examination and those which ordinarily would be regarded as rebuttal material. The Tribunal would probably be wasting time if we undertook to segregate this examination as to that which is properly cross examination and that which is in the nature of rebuttal material so as to divide the future examination of this defendant into two groups. That might be done, but it would probably result in some controversy that would be avoided if the whole examination of the defendant goes over until Monday. Is the prosecution insisting that it wants the cross examination proper to continue now?

MR. ANCHAM: Not as to this defendent because we think the sense of our understanding was that since this is the first instance of the kind with this defendant we will waive our rights until we can settle the administrative problems in chambers.

understand it, the redirect examination of this defendant will go over until Manday at some hour to be arranged with the Court in Chambers and that in the meantime counsel for the defense is privileged to talk to the defendant, and that all this is without committing the prosecution to a precedent. It may embarrass it in the future so far as the rules of procedure are concerned. Then under those circumstances, the defendant Higher is excused from the witness stand and may return to the dock, and if Dr. Wath will announce the name of his witness we will have the witness brought in. (The witness is excused.)

DR. HaTH: Your Honor, I intend to bring in as my first witness, Dr. Dietrich. The examination will be carried on by my colleague.

THE PRESIDENT: The Marshal may bring in the witness Dietrich.

DR. DIN: Originally it had been agreed by me and my colleague.

Dingenberg, that now there is a motion to be introduced for my client, Schnitz. But in order not to let the witness wait I shall step back and I ask that I be given an opportunity on Monday to present this motion for Schnitz.

THE PRESIDENT: If you can do that, Dr. Dix, we would rather hear your motion when we convene on Monday morning, if it's agreable for you to be here at that time befre we start on the trial proper.

DR. DIX: Yes, sir, that is all right.

DR. BERNHARD DIETRICH, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness --

THE TITLESS: Dr. Bornhard Dictrich.

THE rREGIDENT: Do you spook Thighish?

THE TITHESS: Sound.

THE PRESIDENT: Good. You will please raise your right hand, say I and state your name for the record.

THE MITTESS: I, Dr. Bornbard Dictrich.

T.Z . RESIDENT: Now repeat after me:

-- swear by God the Ilmighty and the Omniscient, that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the eath.)

THE PRESIDENT: You may be scated.

### DYRECT EXALUNATION

BY DR. LINGENBERG (ATTORNEY FOR THE DEFENDANT ILGNER):

- 9. Please state your full name for the record once more and will you also give us residence and your birth date.
- A. Dr. Bermard Dietrich, address, Berlin-Frehnau, born on 22 October 1896 in Plauen/Vogtland.
- o. Would you tell us briefly of your career, experience, and what positions you have held?
- A. From 1919 to 1922 I studied Economics, Trade, and Custom Policies at the universities in Leipzig, Huenster, and Freiburg and at the Consular Academy in Vienna. In 1923 to 1927 I was Chief Deputy and then Director of the Foreign Trade Office in Saarbruceken for the administration of import and expert quotas from the Saar area to the Reich. From 1927 to 1932, I was a correspondent for the newspaper "Ruhr und Rhein," edited by the chambers of commerce of the Ruhr area and the so-called Langham Association, an organization of the branches of chain stores, a protective organization, since these chain stores, just like consumers unions and other stores were fought by National Socialism. From 1939 until the end

of the wer, I was business manager and Verstand member of the Central European Economic Committee.

- 1. Here you a member of the HSDAP or one of its organizations?
- .. No.
- Or. Dietrich, the prosecution in one incriminating document Your Honor, this is the affidavit of Dr. Helmut Noack, Exhibit 1,06/, concerned itself with the activity of Dr. Higner in Southeastern Europe. ...s you have just described to us what close contact you had in this respect as a leading Verstand member of the Central European Economic Conference, since 1939, I would like to ask you whether you can tell the Iribunal about this, that is, about the activity of Dr. Higner in Southeastern Europe.
  - ... I hope so.
- Q. What connection did Dr. Ilgner have with the Central European Reconcile Conference?
- A. When I took over the business management there, Dr. Ilgaer was already appointed Vice-President. If I am correctly informed, he was already in 1931 or 1930 elected as a Beirat member of the organization.
- Did you have any other opportunity outside of the Central European Recommic Conference to get to know Dr. Ilgner's principles, which he used in his business policies in Boutheastern Europe?
- A. I saw Dr. Ilgner very frequently even outside of the organization and I also got together with his family so that I had frequent opportunities to get to know his opinions.
- Q. Dr. Dietrich, please describe to us briefly what the Central European Economic Conference was, as far as its organization was concerned.
- A. It was a free association, registered in the list of associations in Berlin and it had succeeded, even during National Socialism, to keep out of the specialized groups and chambers of commerce.
- nondeparters and did it have any branches?

- in 1921 with the task of meeting for economic conferences every year in order to get the information of the economic circles of the former Danubian Monarchy and to exchange this information. That is why it get its strange name, Economic Conference. As far as the branches are concerned, it did not have any. It had so-called Landesgruppen, District Groups, which were independent of each other and when it was formed, there were, first of all, an Austrian group, a German group, and a Hungarian group. In 1929, the predominent activity of the MTT passed to the German group in Berlin, which from that period on, set up a permanent office.

  Later on, District Groups formed in Rumania and Bulgaria.
- Q. What was the aim of the HRT according to the charter of the association?
- A. The promotion of Gorana economy in its relationship to Southeastern Europe.
- n. Did the MRT, in its practical business policy, keep to these tasks which had been assigned to it by the charter?
  - A. As far as I know, yes.
  - 1. That persons made up the direction of the MITT?
- A. In the German Group in 1929, there was Fueiherr von "Hilmowsky, who had taken over the Presidency and he kept this until he was arrested on 20 July 1944. Dr. Ham Ilgner was the Vice-President. Furthermore, Dr. Jakob, who was the Business Hamager of the German eighteet industry, who, after the death of Dr. Ham Hahn, who was the first business manager, conducted the business on a provisional basis until I took it over and who in recognition of his services there was accepted into the Verstand. Furthermore, there was in the Verstand Professor Moermann in Halle. He was the Director of the Economic Beirat. Also the Ambassador Ulrich von Hassel, and I myself, as business manager.
  - Q. And who were members of the Association?
- A. About 120 to 130 of those German firms, banks, and trade concerns, which had any important economic relations with Southeastern Europe, especially firms in coal, iron, and steel, machine construction, especially

agricultural machinery, chemistry, some textile firms, some tobacco and eigarette firms and some leading banks.

- Q. How was this association financed?
- A. By general and voluntary special contributions. The financing took place by estimating the whole of the expenses because it was difficult for the management to estimate how or to what extent the firm concerned was interested in these Southeastern European Economics.
- q. Dr. Dictrich, would you tell us in a few sentences what the actual activity of the MAT was, since its foundation, the way you observed it?
- A. The HAT had three main groups of tasks. The first group included the examination and evaluation of the soil resources of Southeastern Europe; the second group, the entire field of building up the agriculture of Southeastern Europe and the third group concerned itself with the creating of scholarships to young scholars in Southeastern Europe.
- Q. Incriminating material of the prosecution also mentions a Southeastern donation in connection with the NWT and a contribution to the Academy for World Trade in Vienna. Can you tell us what this is all about?
- A. This was an expansion of our scholarship activity to include young business men. The main causes for this were given by the national-isation regulations in the Southeast; to an increasing degree the governments of Rumania, Hungary, and Bulgaria issued decrees according to which German firms in the Southeast had to employ predominently indigenous edumercial personnel who were thus to be used for business purposes, were not always of the nature to which we were accustomed.

To send them generally to German universities was not feasible because the usual German trade schools had too little contact with the Southeast and, therefore, we chose the School for World Trade in Vienna and we set up private courses there for young businessmen in which about three hundred to five hundred young Bulgarians, Rumanians, Yugoslavs, Serbs, participated. We trained them in all fields of business life and I hope that these young people are still making use of this knowledge today.

Q Do you know, Dr. Dietrich, why Dr. Ilgner as director of Farban just happened to be interested in Southeastern Europe?

A Farban was doubtless the largest single importer of the German firms, and within the Vorstand of Farban Dr. Ilgner was designated to represent these Farban interests in the MVT.

Q Can Dr. Ilgner's activity in the Southeastern Group of the Reich Group Trade be brought into connection with this?

A I think so. It was parallel, the tasks were parallel here, and for such purposes the firms made not two people available but one person for both purposes.

Q was this Southeastern Committee of the Reich Group
Industry a government agency?

A No, that was a part of the organization of industry, that is of the self administration of the industrialists, which, to be sure, were indirectly supervised during National Socialism.

Q In these industrial committees, Dr. Districh, were the deliveries from the Southeastern European countries to Bermany during the war discussed?

A No, that was a mission of the government committees.

Those were government committees who were led by officials.

Q. Can you tell me, Dr. Dietrich, how Dr. Ilgner's relationship was to the leading economic circles in Southeastern Europe?

A There was, of course, in the Southeast one or the

other economic leader who did not quite like the manner of Dr. Ilgner. That was true in Germany too, but in general I think I can say that the relationship of Dr. Ilgner to the southeastern gentlemen was very good and that for the most part he was considered a friend by these circles.

Q Can you perhaps name me some of the leading men of the Southeastern European economic life with whom Dr. Ilgner had special contacts?

A I could name from Rumania, from Bulgaria, and from Bungary savaral gentlemen, but I don't know whether it would be fitting today to name these people under these conditions today, but I can just say generally that these were people from the most varied backgrounds and of the most varied opinions, and that we got frequent reproaches from National Socialism because of the free composition of these grouns of the MPC abroad. We were reproached with the fact that we had connections there with liberals, with Anglophiles, with Francophiles, with Free Masons, with Jews, with oppositionists, with oppositionists to those governments installed during the Nazi government, etc.

Q Dr. Districh, I shall gladly refrain from naming a list of these people, and I am quite satisfied with what you have said. Can you tell me now what Dr. Ilgner's economic principles were according to which he conducted his Southeastern European economic policy?

A In this respect Dr. Ilgner had a formula which he repeated very frequently so that it almost became a slogan. He had the point of view that we have the greatest interest in seeing that these countries as quickly and as extensively as possible, promote their own welfare because the richer these countries are and the more purchasing power they have, the better and the more theroughly could we conduct business with them. In the practical execution he was in favor of the intensification of the basic

industries as well as of the agriculture on the broadest basis.

Q Did Dr. Ilgner get to the public or publish his plane?

A Within the MWT once within the membership meeting in Vienna in 1940 and beyond that at every suitable opportunity, in a small or large circle, so that I think all Germans and foreigners who had anything to do with Dr. Ilgner knew his essential principles and had to get to know them.

Q Dr. Districh, you just referred to Dr. Ilgner's MWT lecture in Vienna in 1940. Do you recall that Dr. Ilgner said there that his Southeest European policy was set up according to the official policies of the Reich?

A I cannot recall such a formulation, such an individual formulation. I could imagine that he used a general manner of speaking as is often used in public speaches in order first to have a platform and them to develop his own ideas.

Q Dr. Districh, since you recall the lecture as such but since you do not specifically recall such a remark as I formulated it before, I ask you whether I am right in assuming that this, at any rate, was not the tenor of Dr. Ilgner's lecture?

A No, definitely not.

Q In the Exhibit 2037 which has been submitted today by
the prosecution reference is made to a sentence of Dr. Ilgner, which
he made during his Vienese lecture, and it reads as follows: "The
directives for the future German economic relations to the Southeastern countries can now be seen within the framework of the
foreign policy of the greater German Reich." After I have quoted
this, you do maintain your statements as you have made them up to
now?

A Yas.

Q Can you parhaps give me some specific examples in which through Dr. Ilgnar's initiative these countries in Southeastern Europe were helped? Parhaps we could go to the three groups which you

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mantioned before yourself. First of all there is the mining field.

A In the mining field the MVT especially in the Southeast founded their company at Belgrade and a Pyrene A.G. in Bulgaria. These mining organizations were before the time when I was a business manager, when I took over the business management Mr. Keppler practically had already abandoned our activity in this field. It had been forbidden to our geologists to exploit further ore deposits and a short time later on, our geologist was drafted into the Army, so that the work was abandoned. As to how far Dr. Ilgner participated in this mining affair before, I do not know.

Q Than there is the agricultural field.

A In order to bring about the intensification and the development of agriculture, Dr. Ilgner made very great efforts. I will again give several specific examples. It was our point of departure that the Southeast had a two-field agriculture, that is wheat and corn. One of our first tasks in agriculture was to multiply the growing of agricultural products. The development of the growing of some beans and flax, etc., also belongs into this field.

periments with breeds of sheep in the southeast, and to breed them by using write sheep; ich were more valuable sheep. Further more, in this chapter there is the development of agricultural machinery schools in order to train the agricultural population of the southeast. The same is true for repeir work shops as training places. Finally, there is also the development of the so-called model villages, but these were not new villages; they were just old villages to which we assigned a Garman, Bulgarian, Roumanian, Hungarian as supervisor, whatever the case was, and whom we trained in modern agricultural processes.

DR. I.TH: Pardon me, Your Honor, I am told that there is a translation listake. The vitness said something about the geological field and it also translated that the experts here forbidden to exploit the deposits; he said to study them.

THE PRESIDENT: Thank you, Counsel.

# BY DR. LINGENBERG:

- Dr. Dietrich, now something about the third point, the scholarship activity.
- Italy and merica, and they showed that you only should give scholarships to young copie who already have an addenic degree and the thus show proof of their professional cualifications, and who have shoun it in their home state. Such scholars were given scholarships for all types of technical economical and medical schools, etc. In this work we were also strongly supported by Dr. Higher, especially in the southeast, which was mentioned before.
- . Did Dr. Ilgner, to your knowledge, cursue projects in the southeast which did not lead to any practical success?
- but with which he didn't find much favor from the part of the government and party agencies.

19 March 48- -St.-26-2-Sampson (Lea) Court 6, Case 6 Q. You can just say it in a few words, Dr. Districh. A. I recall the evaluation of the Danubian shipping, of mitrogen projects and of projects in Siebenbuergen. . Do you know enything about Dr. Ilgner's efforts in the question of covering the German clearing debts to the southeastern European states? a. Yes. Dr. Ilgner made great efforts in this question, and he made specific suggestions. If I recall correctly, especially from the point of view of post-war deliveries or of transfer of abandoned German plants to the relatively machine-hungry countries of southeastern Europe, and even by the suggestion to have the southeastern European economic circles participate in the economic standards of Germany. 1. Dr. Dietrich, you have just spoken of the transfer of abundaned factories. Do you know whether in this connection Dr. Ilgner also thought of French Tactories? A. I can a coall that in my presence he once represented the opinion that already during the war one should give the French the possibility to again take up their important economic connections with southeastern Europe, and as one of these possibilities he listed the transfer of bandoned French plants to the southers t under the conditions which he thought of in the case of Garman plants. Q. h t was Dr. Ilgner's opinion . bout a mutual cooperation in carrying out ac nomic projects in the southerst? A. The LOT had the basic principle of equivalent status. The mentioned Prene company, for example, we financed 50 per cent by Bulgarian capital, 50 per cent by German capital. Dr. Higner even went beyoud this principle of equal particia tion, and repeatedly made the suggestion that the majority of the capital should be given to the Foreign countury, and that marely the technical and chemical direction for a certain temporary period of time of 10 to 15 years should be reserved for the German partners. Q. How can you explain this attitude of Dr. Ilgner? Isn't it am 9720

altruism which one does not usually find in business life?

- A. It can be explained above all by the very broad economic interests of I.G. Firben. If I recall correctly, Dr. Ilgner gave as reasons for these supportions that we have an interest in raising the standard of the southeast, and we shall find enough export and import possibilities so that the participation in individual cases is not so important. Just by leaving the majority to the foreigners, we must encourage these foreigners out of their own interests to promote the intensification and building up of their economies. Perhaps I may give one extreme for this: In our agricultural an chinery schools we left the influence completely up to the foreign countries; we did not participate at all any more in these schools; we merely had an exchange of information of experiences and we trained the foreign teachers there because we thought that if the matter turned out tell, then of course it's useful in any case, but if it doesn't turn out tell, then the majority won't do us any good either.
- in the southeast?
- a. Until the outbreak of the war, the southeast was a step-child of Germin economic policy. The general economic policy was oriented toward the west, but by and large, this remained this way until the second war year, as long as the bussian ore and wheat deliveries ment on. It was only after the breaking off of the German hussian relations that the official policy pounced upon the southeast and these Danubian countires were now to quickly deliver all those things which the world at rich and hussian had delivered before that. The old diplomats were immediately summarily discussed and replaced by uniformed SS and Sa people, and everything was done that occupation troops do in order, or rather to become unpopular.
- the cen Dr. Ilgner's economic principles for these countries be reconciled with this?
- ... Practically they cannot be because these principles contradicted the basic principles of Dr. Ilgner's in developing southeastern Aurope.

- This brings me to the question, Dr. Dietrich, how was the relationship of the MAT and Dr. Ilgner to the State and party agencies as far as the southeastern policies were concerned?
  - a. Not good; they gradually become tenser and finally very b.d.
- 1. Our you give me thy specific examples how this, why this bad relationship between the H.T and the state came about?
- A. I mentioned the discontinuation of the mining work and beyond that, for emample, ambassador von Massel, after two or three trips to the southeast, was prohibited from taking any more trips to the southeast. At assistants in the scholarship field, while they were on a trip in Eulgaria, ware told by the German minister there, that they had to leave the country within twenty-four hours because evi ently the very good relations of my collaborators, to young Bulgarians outside of the party political circle, should be discontinued.
- That suffices; thank you very much. Do you know whether Dr.

  Ilgner knew of it or was personally affected by the negative attitude of
  the state and party agencies?
- I think, I know that Dr. Ilgner too, toward the end of the war,
  I think it might have been in 1944, was prohibited from going to Dungary.
- Q. Tell Le, Dr. Dietrich, why the LLT, if it was so unpopul t, why was it not forbidden right off-hand?
- were limited in the verious fields, and from time to time it was checked whether to could perhaps be used for propaganda purposes, and then this tas not possible, an outspoken a tional Socialist counter organization was formed, the southeaster European Company in Vienna, in which all important government and party agencies participated.

19 Mar.h8-A-CJ-27-1-Spears-(Lea)-Court 6 case 6 Q Did the MAT continue its activity until 1945? A Activity practically coased after the 20th of July 1944. In connection with these events, the President Freiherr von Milmowsky was arrested, the Verstand member, Ambassador von Hassel was arrested and finally was hanged. The presiding officer of our Beirat Professor Woormann was arrested. Other Beirat-members were arrested, among them, the economist, Wenzel Petschenthal was hanged, and various others, were sent to a concentration camp, and it was only a miracle that Dr. Ilgner and I were not also arrested because the Gestapo only would have had to examine the financial dealings of Ambassador von Hassel in order to find a basis for such arrest. Q Toll mc, Dr. Districh, are there similar institutions in other countries, such as the MWT? A by coincidence, after the war in the American Magazine, "Time" of 6 October, I saw an article according to which the former American Scorotary of State Stottinius founded two companies which practically had similar aims, to develop backward countries, one company for Liberia, and one evidently a general company of this type, in which well-known industries and banks were participating. I would you give us the year of the issue of this "Time" magazine? A 1947, 6 Uctober 1947. Thank you. Finally, Dr. Dietrich, I just would like to ask you

a few more connecting questions, especially in connection with the Presecution Exhibit 1094, which I mentioned at the beginning. Could

one consider the MWT as an instrument of Nazi policy?

A The fVT was always considered as a liberal club by the National Socialists and was supervised as such.

Q Did the cantral European economic conference undertake any steps which had an indirect contact, or could be brought into connection directly or indirectly—in connection with a war of aggression?

A Not in any way to my knowledge.

- Q Did the MTT ever do anything which could be considered as blunder or speliation or as any disadvantageous conduct towards the East European countries--southeast European countries?
  - A Mo. I can deny this question, too.
- Q Did you over observe that Dr. Ilgner beyond this--outside of the HAT pursued such eims?
  - A I have no basis for this.
- Q Then I have one final question. Did the NWT and Dr. Ilgner within or outside of the NWT, according to your knowledge of the things conduct espicings in the southeast?
- a No. I knew Dr. Ilgner is a very lively, very frabk, very able man-talkative wan, whom I consider unsuitable for such an activity. I am not an expert in espicaage matters, but if I should ever come into a situation to look for a spy, and I had the choice between Dr. Ilgner and some other individual, I would certainly choose the other man instead of Dr. Ilgner.
- DR. LINGLNEAKG: Thank you, Dr. Dietrich. I have no further questions.

PRESIDENT: Anything further from any of the other defense counsel?

If not, the presecution may cross examine.

#### CROSS EXCITNATION

## BY MR. MICHAN:

- U Lr. Dictrich, did I correctly understand that you became the business manager of the central European economic committee in 1939?
  - A Yes.
- Q Dr. Ilgner, was the vice president of that organization, is that right?
  - A 738.
- periodic bulletins and in mimeographed form something like I am holding up? Do you recall that?

- A Tos.
- Q And is the address of this Mitteleuropaeischer Wirtschaftstag Earlin 1-35, Mildebrandtstrasso, 17? Is that the address of the organization?
  - A Yas.
- O Do you recall, Dr. Dietrich, whether in the bulletins issued by this organization, they discussed the political policy, propaganda and intelligence, do you recall that?
  - A Various economical matters were discussed.
- Q Do you recall a report in or about April 1961 dealing with Creatia wherein you discussed foreign policy of Creatia, thoughts on a future frontier, behavior of occupational troops, internal policy, Jewish problems, Pro-Carman newspapers, and anti-German newspapers, do you recall a report about April 1961 of your organization dealing with these matters?
  - a Moperts of this type --
  - Q First, do you call such reports?
  - A les. I have already confirmed that.
- April 1911, dealing with negotiations on new frontiers, anti-Jewish laws are not really executed since several Government officials have Jewish wives, and related matters do you recall such reports in April 1911 by this organization?
  - A I do not remember any details about this.
  - Q In general, do you recall such reports?
- A lt is possible that reports of this type were made out as representing the acrals there.
- 4 And this organization sent these reports to its members and other people, is that right?
  - A The sending off was essentially limited to the members.

- Q Do you recall reports in January of 19h0 about the Croatian's question about the organization of the peasant and citizen guard and the coming parliamentary election, the pro-derman sentiment, British influence, and related matters, do you recall such a report--Mittel-curopaischer Wirtschaftstag, do you recall these reports.
- A I cannot remamber any individual reports because these reports were edited monthly or weekly, and many individual news were issued then.
  - Q Do you recall such reports generally?

Dh. MATH: Objection. Your Honor, I think that the witness is not able to recognize by the question what the prosecution is getting at. I would suggest that the presecution gives the witness an opportunity to look at the documents which are being used here so that he can make a consent on thom, but just by giving him general headlines one cannot say anything about the contents.

FRISHERM: The question is not asking for contents, the question is proper, whether he recalls generally that there were reports of that character. To can answer id he sees fit. Do you, Mr. Witness, recall that generally there were such reports sent tout to members of the character described by the presecutor?

THE WITNESS: The general character of these reports was certainly not of the nature as the one or the other example which the presecutor at the moment has in his mind shows.

PhioTCTMT: Then you have answered the question then.
BY MR. ALCHAN:

- Q I think now you said this organization was not in favor with the Nazi party or Nazi officials, isn't it a fact that at the meetings of the organization they were attended by prominent Nazi Party officials and military men, isn't that a fact?
- A of course, it happened that, for example, in a membership assembly, one or the other officials of the government or of the Party would attach value to--attach importance to attending that meeting.

In such cases we could not prevent the participation of these men, but we had to count on their participation, but the principle of our meetings --

Q i just asked about your attendance at the party?

PRESIDENT: Well, let him answer the question. "e is inclined to go ahead and answer. You are entitled to do so.

This FITHLES: I have emphasized that the nature of our meetings
was the meeting of representatives of three firms of the MWT and I don't
think that this character was disturbed if for the reasons I just mentioned, one or the other representatives of the government or of the
party took part in such a conference.

MR. AMONAN: We have no further question, if your honor please.

PMESIDENT: Is there any further interrogation of this witness?

Do you have enything further, Dector?

# REDIRECT EXAMINATION

BY DR. HATH:

Q Your Hener, perhaps one question. I think we can then conclude. Dr. Dietrich, would you be kind enough and perhaps tell us in one sentence, if possible, the nature of these weekly reports to which the presecutor referred?

A almost every organization, chamber of commerce, or specialized association, in order to inform its members, issues an information bulletin or a circular or scauthing like that. For this service I had a man who administered the archives of the MWT and who on the side edited these reports. These reports were prodominantly compiled from newspapers which were not written in the German language, that is to say, Hungarian, Sorbian, Rumanian, Bulgarian, etc., or Grook, that is, newspapers which could not be read by the members normally. It was the task of my assistant to evaluate these foreign newspapers and to extract news from these papers and put them into the information bulletin of the MWC.

I think, this would give you what you asked for; as far as any political task is concerned, it had not.

19 Mar.18-A-GJ-27-6-Spears-Court 6 case 6

PRUSIDENT: Is there anything else desired of this witness? Then the Tribunal will excuse the witness from further attendance.

And we now rose until 9 c'clock Monday morning.

(The Tribunal a ijourned until 22 March 1946, at 0900 hours.)

22 Harch-H-HJ-1-1-Schwab (Katz) Court 6, Case 6

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United Stated of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 22 March, 1948, 0910 hours, Judge Shake presiding.

THE HARSHAL: The "onorable, the Judges of Military Tribunal VI.

Military Tribunal Vi is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may report, in . Harshal.

THE HARSHAL: May it please Your Honors, defendants Lautenschlaeger and Haefliger are absent, due to illness.

THE PRESIDENT: We must apologize to counsel and defendants for being a few minutes late. We just have trouble of our own. We learned our money was no good this morning, so we are getting it changed.

Judge Herrell has charge of the matter of the processing of documents and he has recommended to the Tribunal that in view of the fact
that we have a heliday this weekend and processing may be somewhat delayed on that account, that the deadline which the Tribunal had heretofore fixed of April 1st for the submission of books is now extended to
April 5, in order to absorb the delay occasioned by the closing of
offices over the weekend.

Are there any announcements from the defendants?

DR. DEMIDT: Nr. President, may I ask that the defendant Kuchno be excused from the recess this morning and the defendant Mann be excused from the noon recess on?

THE PRESIDENT: That will be satisfactory with the Tribunal.

DR. BERUIDT: Thank you.

THE PRESIDENT: Dr. Dix, let me say something to you. The Tribunal has received the translation of the motion that you made the other day on behalf of all defendants. We have read it. But sometime during the day, or temerrow, when you have some time at recess we should be glad to talk to you informally in chambers about that matter.

DR. DIX: Ir. President; I have two motions; one on behalf of my client, Schmitz, and the other for all of the defendants' counsel. One of these motions is a little complicated as to facts, and legally has some basic significance. For that reason I worked out both motions in detail in writing and I gave the reasons for all statements. And now I shall merely confine myself to explaining the over-all idea of the motions.

The motion on behalf of Schmitz calls for the striking from the record of a certain document No. 5187, Exhibit 334. The Tribunal will remember this exhibit. It contained a statement of Dr. Ter Meer and also embraced a statement of the defendant Schmitz --

IR. ALCHAM: I am sorry to interrupt, if Your Honors please. I am wondering, in view of the fact that a copy of these motions have not been served upon us, that if any useful purpose would be served in arguing it; rather than just stating it.

THE PRESIDENT: Well, there is some merit in that point. But yet
I take it that counsel is entitled to have stated on the record the
fact that he has filed such a motion and also enough about it to identify it. Beyond that, he should not go until we get it and the Prosecution has it.

DR. DIK: Ir. President, I considered it a matter of course that the Prosecution had had sufficient time to read the motions, and then they should be able to take their stand.

Well, I will continue. This statement of Tor Meer's contained testimony of my client of the 17th of September, 1945 and at the same a revocation of this statement by my client. This withdrawal is stated of the 17th of November, 1945. In other words, there were two statements of Schmitz' incorporated in Ter Meer's statement. My associate, colleague Gierlichs, already at the time during the session some months ago, objected to having introduced both Ter Meer statements at the same time as the statement of Schmitz', and he gave detailed reasons for his opinion at the time.

I repeat these reasons in my written motion once more. At that time the Tribunal suggested that first of all one should determine whether the copy of this statement in this Tor Moer testimony was really identical with the original of the statement. But this explanation was not made. Horoever, during a later session the Prosecution again offered this document. Counsel Gierlichs was away on that day and I still in the Flick trial. We couldn't object to its introduction at that time. And therefore the statement, which is Exhibit 334, has been accepted.

I should now like to make a motion to have this statement stricken from the record—not the whole document, Exhibit 334, but only that Schmitz statement dated September, 1945 should be stricken. That is, I make the motion that only Schmitz' statement be stricken from the document. The reasons for this are as follows—

THE FIRSIDENT: Now, now, counsel. That, I think, is entirely proper that you put on the record what your motion is, but now as to the reasons I think it would probably be more helpful if you would postpone that until we get the motion and the Prosecution has it, and then if there is an occasion to be heard we will give you an opportunity to present it. The matter, perhaps, better rest on your statement as it is until the motion is available to us.

DR. DIX: Yes. May I then at a later time give you the reasons for my motion?

THE FRESIDERT: Very well. Very well.

DR. DIX: Very well then, I will do that later.

Then I now turn to the second motion on behalf of all the defendants' counsel. I shall again in this case offer that in writing this morning.

It is still being typed.

Your Honors, this is a motion about which I am enough of a diplomat to state right now on this rostrum that I have my doubts whether the Tribunal is able to help us despite its best intentions. Nevertheless, I shall try it.

The following are facts. They show under what difficulties the Defense is laboring. The British and the French occupational authorities have issued an order which is enformed for all people that enjone who leaves the American Zone and enters either the French or British Zones will first have to get in touch with the Security Officer or the Officier de Surete, and he has to state to whom he wants to talk in those zones. Most witnesses and informants that we want to talk to—whether they are right or not is besides the point—want to have their names undivulged. The fact that they give us information is a confidential affair that is in our keeping, in our trust. We would violate our professional duty of secrecy if we would disclose their names. We have here a conflict of conscience between our obedience to an order of the occupying autho-

rities and between our basic professional ethics to safeguard the secrets that have been entrusted to us. One cannot object here that you really can't complain because this applies to all; it also applies to the Prosecution. In our case the affair is different because we have the duty to safeguard the confidential nature of these persons. Collecting information through interrogation of persons in these zones is therefore almost impossible to us because of this order.

It is cortainly a circumstance aggrevating our presentation of the case.

At the beginning I already stated that I didn't know whether the Tribunal might be in a position to help us, but at any rate we want to ask Your Honors to try what you can do. I have written it all down, including the order incorporating the order and the local regulations.

THE FRESIDENT: The Tribunal will give that matter consideration as soon as we get the English translation of your motion. As you have suggested, it may present some problems the Tribunal will have some difficulty in dealing with. I can only say to you counsel that I think you know that within every limitation of power and authority the Tribunal has it stands ready to provide you with all of the means necessary to present your defense. Some things are beyond our control, but we will see what we can do about it. As soon as we get the motion we will give it consideration.

Anything from the Prosecution?

DR. HATH (Counsel for defendant Ilgner): Mr. President, I should like to begin my re-direct examination, and with Your Honor's permission call Dr. Ilgner to the witness stand.

THE PRESIDENT: Dr. Ilgner may take the stand.

(Defendant Ilgner took the witness stend.)

REDIRECT EXALIMATION

DEFENDANT ILGUER

DR. HATH: Dr. Ilgner, I want to ask you about the documents submitted by the Prosecution to you on Friday, during cross-examination. I begin with Exhibit 2018; that is NI-14665.

Mr. Prosident, may I first point out to you that this document consisting of four pages bears on the last page, on page 6 of the original, the signature of Mr. Eriksen. I have a photostatic copy of it here. From this photostatic copy it can be seen that Mr. Eriksen could not have signed this document; therefore, an error has been made. In the original there are only some initials, but not Mr. Eriksen's signature. Moreover, there is also a mistake in translation, under III, on page 3 of the German text, and at the end of page 4 in the original. I believe that the Prosecution grees with me that a mistake in translation has occurred, and by the interrogation of Dr. Ilgner I shall rectify that particular error.

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Dr. Ilgner, would you please define your opinion about this document?

A This Exhibit 2018 constitutes a short letter of Monsiour Mibratte of Societe Morvogienne D'Azone, Paris directed to the financial advisor in France, Monsiour Jacuqes Raindre. As can be seen from the letter, the memorandum attached to it is one of the Banque de Paris. It isn't signed in the original. I assume that it is a memorandum drafted by Honsiour Couture. Honsiour Couture is the Directour Adjoint of the Banque do Paris. In this momorandum, the Paris bank expresses what has been decided in an internal discussion about the practical application of the resolution between the People from the Paris bank and Monsieur Jacques Raindre. These are routine affairs. However, in order to express a little more clearly the character of this document and particularly the spirit which prevailed towards the French shareholders, and particularly the serious difficulties with which we were all confronted because of the regulations and permission to be gotten from the authorities and the interference of the authorities, and in particular the difficulties to which the French were subjected, I went to point out a few short points. In the accompanying letter of Monsieur Wibratte which he sends to Monsieur Reindre, the last sentence reads, I quote: "For the rest, these texts will have to be cleared with the French and German authorities for permission before their publication." That is to say, they have to be submitted to the French Government in the occupied part of France.

Lay I continue in order to give you the context? Then we shall
be finished. In regard to the memorandum, from the first sentence it
can be seen clearly that this increase in capital was a measure planned
by the Norsk Hydro themselves when they decided to undertake this measure,
and they undertook it and carried it out. In order to show the difficulties of the French on the one hand and the readiness of the Norwegians
and the Farben people on the other hand to help the French wherever
possible, I read one passage on the second page from Roman II, sub section

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(c), in the first paragraph, the last sentence, "Furthermore, it would be advisable that it should be made possible that subscriptions be accepted in Marseille at the Agence de la Banque de Paris. It would be similarly necessary to fix the date for the final subscription to be given and that should be pushed ahead sufficiently in order to give the holders of the purchasing rights the chance of participating in this purchase. This deadline should be put at least one and one-half months from the beginning of the subscription. These are the desires of the French shareholders who are represented by the Banquedde Faris towards the firm - that is the Morsk-Hydro." Norsk Hydro, as can be seen from the other documents, complied with all these requests of the French; In this way, a new depository in Marseille was created, that is to say, in the arroccupied part of Franco. In connection with the next document, may I point to this priticular point and its probably significance. The extension of the deadline for the signatures to be given -- that is to say, the offer of the claims of purchase were fixed at a period of one and one-half months, as desired by the French, which is an unusually long time for bank transactions. On Page 2, there is a passage which is rather interesting and which throws a good deal of light on the situation; that is on the question as to why the French had difficulties in being represented at the extraordinary shareholders meeting. I quote, "The German authorities controlling the foreign exchange, since the latter blocked all shares of Norsk Hydro in Hovember --

Q Would you please repeat what you said?

A I don't have to road it; I will explain it in my own words.

This sentence shows that these shares were blocked by the German authorities in the occupied part of France; that is to say, the French shareholders couldn't even reach or touch these shares. Dr. Math, I believe this clarifies this subject.

Q I bog your pardon. On Fago 3 under Roman Numeral III, the prosecution emphasized particularly the paragraph, "It must be pointed

out without delay ... " May I ask you to define your attitude about that paragraph?

A Yes, I was just going to do that. It is rather significant. I quote: "It must be pointed out without delay that the distribution of new shares, as specified in the draft of the pamphlet that we received, does not correspond with what has been decided on the previous March during the conferences which were attended by Mr. Wallenberg, Dr. Ilgner, Mr. Briksen, Monsieur Wibratte —" and then erro necusly, in the translation of the presecution, "and myself." But that is a bad translation from the French. In the French, it says, "Au mois de Mars de dernier," and that means: In the previous March. I continue to quote, "It was recognized as fair by all concerned that just as in 1930, all the stock forming the increase of capital should be effored to the former shareholders." That is quite correct, and it shows the fair spirit provailing towards the French during the conference in which Mr. Wallenberg presided, and which conference was undertaken on the basis of my suggestion.

After our return to Berlin, Dr. Kersten was called to the Ministry of Economics; that is Prosecution Exhibit 1204, file note of Dr. Kersten of the 28 of March. Dr. Nath, we have already made very clear statements about that on direct examination, and therefore in order to keep the record as briefas possible, I shall not go into this too much in detail.

A fewweeks later, the Reich Covernment informed us — that is the Reich Hinistry of Economics and the Reich Hinistry of Aviation — that they wanted to form a German majority and that they had conducted negotiations behind our backs through the Dresdner Bank, and that was the situation confronting us at a later time. But as I have also said, the French agreed to this orally, and in writing after they talked to the gentlemen from Morsk Hydre, because we hadn't any other choice. This actually meant that only three per cent and not 43 per cent were excluded. I have already pointed that out in my direct examination.

Q Dr. Ilgner, do I understand you correctly that you are saying that the paragraph which the prosecution has quoted here in which the French complain, that in the draft there is something different contained from the original discussions or arrangements? Do I also understand you correctly that this difference was later equalized and clarified by direct conversations with the French?

A Yes. The French, as has been shown by our documents, participated orally and in writing in every transaction because they were members of the board of directors. They agreed to all arrangements orally with the Morwegians, and we were of the opinion that that would be the best way of handling this matter.

Q Thank you. That is enough about this document. Dr. Ilgner, I want to turn to Exhibit 2020.

A Excuse me, I have one more statement to make. In order to show their spirit, the French had asked that the claim of purchase be changed from four shares to five, and that desire, expressed on page 3 at the bottom, was also complied with. All desires were complied with.

Q Very well. Dr. Ilgner, we now turn to Exhibit 2020, that is NI-12209. This seems to have some connection with the one we have just new discussed. Yould you please explain this briefly?

A You are referring to the affidavit of Honsieur Allier offered by the presecution, which he made here on the third of Movember of the previous year?

Q Yes. Mr. President, I have to make the following statement in this connection. The Tribunal has ruled that affidavits that are offered only for identification during cross examination do not constitute full evidence; that is to say, only those that have actually been offered and accepted as exhibits. Therefore, I want to explain that this be not taken as a prejudice against me on the part of the presecution if I den't comment too much on this.

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Dr. Ilgner, give a few brief words about this document.

A Yes. I have seven points. I will deal with them in turn. I want to make a general statement first. This is an information —

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IR. AMCHAN: If counsel is referring, if Your Honor please, to Exhibit 2020, our recollection is that we offered it in evidence and not for identification, and if counsel is under the impression that it was only offered for identification, word like to correct that now.

THE PRESIDENT: I think that was ascertained, and it is my own recollection that the prosecution's exhibit 2020 is in evidence. I have no memorandum to the contrary, and I am quite sure that is correct.

IR. AICHAN: And if counsel is proceeding on the assumtion in his redirect that it's only for identification, I think he ought to be enlightened.

THE PRESIDENT: Yos, he is entitled to know that. Thank you.

THE "ITMESS: Very well. This is some information of the firm of Norsk Eydro to the Banque de Paris which was sent by way of Berlin NY/7, for neil reasons during the war. I have already explained why that had to be done because of discretion. I want to point out a technical error here.

I don't know what the English translation reads, but in the German edition it says that: "This is a certified true copy of the original telegram of the Banque de Paris." This is not correct. This is a reproduction of the telegram sent to the Banque de Paris, and the date which Monsieur Allier states in his affidavit is not proven in any way by the original because the route was channel: Morsk Hydro, Farben, Raindre, Banque de Paris. I wouldn't attache any importance to this statement. It hesn't been proven; at any rate, it's only small matters. But I want to rectify them nevertheless.

I now turn to my seven points. During cross examination I understood the prosecution to have intimated that the French were not properly informed about the fact that this general assembly of the shareholders was held. This is an obvious error on the part of the prosecution because, as it is shown quite clearly from their own document, and I quote —

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BY DR. MATH:

Q.- Dr. Ilgner, I believe we can shorten the whole thing if you morely point out the proper paragraph and refrain from Quoting, because the Tribunal has the document before it.

A.— I want to say quite generally that these phrases are again and again repeated: at the request of Norsk Hydro; Morsk Hydro is able; Norsk Hydro is unable; the point of view or the attitude taken by the Norsk Hydro; etc. These phrases recur again and again. It's quite clearly shown that is is a piece of information sent from Norsk Hydro. In other words, the French had an ample opportunity, unless they were hampered by official regulations, of using their privileges. I have pointed out before already in the second part of the first paragraph that when they deposited their shares in the unoccupied part of France, they were given all chance to do so.

Dr. Nath, I must add something here. These are considerations that we have unfortunately not been able to prove as yet. They are not very important but I want to prove them nevertheless. We weren't given an opportunity at first to show what they are. These are shares of the French shareholders. Of course, when the German troops invaded France, these shares were taken out of the safes and taken out of France semetimes, and when later they were asked to deposit the shares with the banks, of course very many shareholders were afraid to do so because these shares might have been blocked or perhaps confiscated. But I must point out one thing —

Q.- Dr. Ilgner, excuse me if I interrupt you. From Document 2018 on page 2, you quoted that the shares were actually blocked.

A.- I am now speaking of the fact, Dr. Nath, that those shares which were deposited in the unoccupied part of France and were still under the free disposal of the share holders that they had not yet been blocked — but that those shares might possibly also have been blocked; that the

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shareholders might have been afraid to deposit them in France because they wouldn't know what might happen. They experienced later that the unoccupied part of France was later occupied; furthermore, semething else that we have not yet been able to investigate — an affair which I never knew about, which didn't concern me, but about which I would like to have known now because the Prosecution has made certain assertions. That is the question as to what was really the distribution of the shares in Norsk Hydro. It is very probably that there was never any real French majority, but that the Banque de Paris had certain French shareholders! stock in their safes — these shareholders as their clients, and also certain foreigners. The assumption is that the ratio was about 40 per cent French and 20 to 25 per cent foreigners or other nations. We have get to determine that because the prosecution speaks of a French majority in order to exclude any point of objection.

Q .- I think it's enough, Dr. Ilgner -

A.- No, just a minute. I have to say this. In regard to the announcement of the general assembly of shareholders, this document says, "In the usual manner -- that is to say, just as during peace time -- " the safe-guarding of the rights of the French stockholders -- " that is also mentioned here. I think you are quite right. Dr. Nath, I can save myself the trouble of proving that everything was done on the part of Norsk Hydro, and I think it was the duty of Norsk Hydro to safeguard the justified interests of the French under the very difficult was circumstances. This concludes my comment on Document 2020.

Q.- I should now like to ask you about Document 2019; that is NI-13205.

This is the passing on of the drafts of the contracts to Paris. Dr. Ilgner,

Would you please define your opinion about this briefly?

A.- This letter needs comment. This is a letter of the central finance administration, department of the Finance-Secretariat, signed by Mr. Frank Fahle and Dr. Kerston. It refers to a request of Advokat Bjarne Erikson

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expressed to Geheimrat Schmitz. The drafts of the contract under discussion here have nothing to do with the increase of capital. They have nothing at all to do with the financial and legal affairs, but deal exclusively with technical matters; that is to say, the construction of the light motals plant in Morway. The French wanted very much to know some details: how much magnesium, according to what processes, and so on. We would have liked to give them that information because we were old friends, but the German authorities, of course, during the war stated that any disclosure of such technical details to a French bank would be unjustifiable economically. If we had not observed these regulations it would have been a flagrant act of treason. But on the subject matter itself, Dr. Nath, I want to say that these were not plants of Norsk Hydro but they were plants of a subsidiary, in which Norsk Hydro was participating only with one-third of the stock. That is the state of affairs.

Q.- Dr. Ilgner, does Exhibit 2021, which is MI-13206, have any connection with the one we have just mentioned, and if so, would you please comment briefly on the latter?

A.- The connection is very close, and from the previous document that we have just discussed I saved one sentence in order to read it in connection with one sentence from Document Exhibit 2021, because that makes everynting clear. In document 2019, which we have just discussed, the following sentence is contained — this is a piece of information sent from Farben to Norsk Hydro — I quote, "We cannot comply with this request unfortunately because of instructions from the German authorities."

Q .- That is to say, in passing on the technical details?

A.- Yes, the technical details about the construction of magnesium plants in Norway. In Document 2021 now, it says — that is a letter of Advocat Bjarne Eriksen to me personally, where he says — and I quote, "We agreed in that meeting that under the prevailing conditions it would

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not be advisable to send a written statement. It was, however, agreed that one of the gentlemen from Farben should inform Herrn Wibratto during a visit to Paris, and I told Herrn Wibratto about this. At that time it was intended that Dr. Kerston should give the necessary orientation during his trip to Paris which was then imminent."

Q Dr. Ilgner -

A From this it can be seen clearly that Mr. Eriksen was in complete agreement with us that we could never do this and we were never permitted to do this. However, we did take a certain risk; despite the prohibition, we promised them that we were not going to give it to them in writing, but we were going to talk about it.

Unfortunately, shortly after this conference, Dr. Kersten was again called into the Army and the whole affair was forgotten. It wasn't very important and Monsieur Wibratte asked Mr. Eriksen and I was asked by him to undertake this affair.

Since, in the following year, I repeatedly was in France and since I saw Monsieur Wibratte each time although for different reasons, but I am quite sure that because of the way I associated with my friends I told him as much as was possible without getting into a flagrant violation of my duties.

Q I can then summarize and say that you claim that the desire expressed in this document was already complied with by you?

A Yes, these were desires to which the French had no right anyway, but with which we complied because of friendship.

Q I now turn to Exhibit 2022, NI-13027. This is an affidavit of Dr. Paul Haefliger. I believe I am right when I say that this document was introduced only for identification by the prosecution, that is to say —

DR. NATH: Am I wrong? I am sorry. Mr. President, this is also in evidence. This has been introduced into evidence. It is an error on my part.

Q (Continued by Dr. Nath) Apart from that I want you please Dr. Ilgner, to look on page 2 of the German text — that is at the end of the first page of the original — and comment on this paragraph briefly, because the prosecutuion has quoted one sentence according to which you had certain talks with Johann or General Director Pfeiffer from the Kreditanstalt about the price of the stock.

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A To clarify this once more, this is an affidavit sworn to by Dr. Haefliger on the 23d of April, which he gave to the prosecution. I have to admit quite frankly here that I have already evaluated the significance of the affidavit of Dr. Haefliger, but I want to deal with it, nevertheless. During my direct examination, I said that I had nothing to do in detail with the negotiations about the acquisition of the shares of the Skoda-Wetzler Works, and the prosecution undertakes to prove the contrary. Now, the following state of affairs is important in this connection: When in May of 1938 the Commissars were appointed and on the last day I had received the permission of the Nazis that the Commissars would be withdrawn, the Reich Commissar for Private Enterprise, Diplom-Ingenieur Raffelsberger, told me that the negotiations with the Kreditstalt should not be permitted to be continued however before we had the written permission of the competent authorities in Austria, and we got this permission only on the 6th of June. That can be seen from a document again introduced by the prosecution in Book 52 or 53. Mr. Raffelsberger, however, told me at the time, "You can make a short visit to the Kreditanstalt. They have a new director by the name of Pfeiffer and you can say "hello" to him. " Mr. Haefliger, who had been given this mission of negotiating and I went together to the Kreditanstalt, where we had a very brief conversation, which was unimportant, actually, with Mr. Pfeiffer, and I told him "We can't carry on any negotiations. Let's not talk about it until we have the permission." Since the prosecution was kind enough to give me the photostatic copy besides the mimeographed copy, I was able to see from the photostatic copy that this particular paragraph referring to the matter of especial importance to the prosecution has been corrected by Mr. Haefliger six or seven times. He has stricken out many words and has written things over, which shows that he was not at all sure. I think that clarifies this matter sufficiently.

Q I now turn to the next document, Exhibit 2023. This is a letter of the Reich Minister of Economics to Farben ---

MR. AMCHAN: If your Honors please, we have hesitated to object as
to the form in which questions are put to the defendant on redirect. We
think that counsel should put to the defendant specific questions and not
a general question directed to a document and then ask him, "Well, tell
us what it is all about," by way of giving him a general field day. I
think we would save time; we would be within the limits of proper procedure, if defense counsel were directed to put specific and direct questions to the witness with respect to each document.

DR. NATH: Mr. President, a whole number of documents were merely submitted by the prosecution without any questions being put to the witness. Therefore it was apparently left up to the defense to clarify the purpose of the submission. Through specific questions, I am going to try to state our cause, but I think that my client should be permitted to make some comment.

THE PRESIDENT: The defendant is entitled to give his explanation of these documents. Of course, when he goes to the point of interpreting or telling what they mean, construing the materiality that is getting pretty far afield, because, after all, the documents speak for themselves, but within limitations and in the absence of abuse, it is the opinion of the Tribunal that the defendant is entitled to give his explanation of these documents, in view of the circumstances under which they come before the Tribunal.

Ask another question, Counsel.

Q Dr. Ilgner, you know that the prosecution has pointed out various passages in this document. I direct your attention to page 2. Here I ask you first to tell me at what period of time you yourself participated in the negotiations which are discussed in this document.

A Much later. I can be very brief. Because I was in Berlin, I sent this document to Dr. Krauch, because it was important information. The document itself was a letter of the Reich Minister of Economics to Farben, attention Mr. Schnitzler, about the correspondence of the Dresdner Bank Ministry of Economies and so on. These are negotiations which which I MR. AMCHAN: If your Honors please, we have hesitated to object as
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A Much later. I can be very brief. Because I was in Berlin, I sent this document to Dr. Krauch, because it was important information. The document itself was a letter of the Reich Minister of Economics to Farben, attention Mr. Schnitzler, about the correspondence of the Dresdner Bank Ministry of Economies and so on. These are negotiations which which I actually had nothing to do; materially I had nothing to do with it.

The reason why I was called in from the beginning was quite a matter
of course. On the other hand, in the question of the Chemische Farbrik

von Heyden, there was a banker who participated, Mr. Zinsser. It was
quite clear that Farben on their part should also bring in a man from
the Finance Department. My department was concerned with the execution
of the purchase after the proper agreement had already been concluded.

For that reason, I cannot comment on these things. The last document is
a file note of one of my associates, Dr. Kersten, dated 4 November 1938.

In this Dr. Kersten merely expresses what Mr. Zinsser told him after his
return from Prague and he merely wrote in the capacity of a secretary for
the Farben people.

- Q That was page 8 of the original?
- A I am on page 7.
- Q No, at page 7 of the German.

A Page 8 of the original. In order to show quite clearly, what the spirit was in which this file note was written — the prosecution has made certain intimations — that is to be found on page 7 at the top, in the document. It says, "Director Zinsser reported about the desire of the Prague Verein to be represented in the Aussig Falkemau plant with a certain minority. Mr. Zinsser was best informed about the attitude of the Government and he says, I quote, "Zinsser clarified that even if Farben and Heyden were to consider such a proposition as acceptable, the German government would not give their permission, at any rate.

On page 8 under (d), it says, "Further Assets in Germany," and it is a very important remark of Mr. Kersten's file note about Mr. Zinsser's quotation, "Finally, the Prague representatives pointed out that apart from the plants Aussig-Falkenau, they have a lime factory, a barytes pit, and a lignite participation near Brux in German territory, and the surrender of these would have to be discussed as well."

What we are meant to gather from this remark of Zinsser was that the Prague representatives had showed that they had realized quite clearly that it would be necessary to give up German intorests; that is, they wanted to sell more than we were interested in because here the mentioned participation we never did acquire.

Q That is enough, Dr. Ilgner. Exhibit 2024, NI-10723 is a draft of a letter of Farbon to the Verein fuer Chemisch-Mettallurgische Production, the Association for Chemical and Metallurgical Production. Do you know if this draft was ever sent out?

A I do not know it. I never saw it. It is a draft. There is no signature. I cannot give you any information.

- Q Thank you very much. The next document, Exhibit 2026, NI-7982 -
- A Excuse me. You should present 2025.
- Q But you don't have this . Yes, you are right.

THE PRESIDENT: Now, Counsel, just a minute. Let us see if we cannot get an understanding about the documents that are not in evidence and I wish the counsel for the prosecution would check what I say: According to my own record, the following documents were identified only and are r in evidence, not subject to redirect examination, but are available to c sel for the defense if he wishes to make use of them on his own responsity. Those numbers are 2025, 2034, 2040, 2041, 2042, and 2-43. First, I correct on that, Mr. Prosecutor?

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HR. AMCHAN: That conforms to our understanding of the situation.

THE PRESIDENT: I think that is quite correct.

DR. NATE: Mr. President, then I shall not conduct any redirect examination about those documents, since they are not before the Tribuna as evidence in that sents.

Q (By Dr. Math): Pr. Pigner, please comment on Document Exhibit 2025. This is a circular letter of Farben, which you signed.

The PRESIDENT: One moment. I am rather concerned as to whether or not you are ebing misled by what the Tribunal has just said. The documents themselves are not before the Tribunal when they have been marked for identification only. However, the prosocution did ask some question about those documents and you are entitled to have the defendant say what he wishes to say concerning the matters about which the questions were asked. Now, the Tribunal will not itself see those documents, unless they are subsequently offered by counsel by counsel for one side or the other, but we do not wish to misled you as to the fact that you may interregate the defendant concerning the matters brought out by the prosecution's questions relative to the documents that are not in evidence. It you with to do it. It is a little bit confusing, and we wish to make our position clear so that no one will misunderstanding his rights.

DR. NATH: Mr. President, I am very grateful for your instructions, because I was actually mistaken but since this document was presented for identification, I should like to ask Dr. Ilgner to comment very briefly on Ethibit 2025 where the presecution put certain questions about page 4 and at the time you wanted to quote another passage in this document, Dr. Ilgner.

A I can be very brief. This is a report No. 124, made out in Nuernberg on the 5th of April. It is an affidavit, the sentence which the prosecutor read. I will only read the next sentence after this.

"I don't know if Major Bloch actually spoke to Mr. Schmitz." This corresponds to the general line of my statements on direct examination.

Q May I then ask you to comment on Exhibit 2026. The prosecution wanted to prove when submitting this document that even during the time of your illness, you undertook cortain business transactions in your office in Berlin. This is a circular letter informing you about changes in personnel. What have you to say?

A I had understood 1940 on cross-examination, but I can see now that it was in the year 1939. At that time after my stay in the sanitorium in Switzerland, I was in austria and my colleagues, Dr. Frank-Fahle visited me with his wife and two brothers-in-law up on the mountain and he brought along a few brief matters that he wanted to discuss with me, but I didn't want to talk very much about it. because I was sick, but this affair about changes in ersonnel always interested me and these were merely premotions which were made on the 1st of May 1939. I didn't sign them myself, to be quite clear about it. They are signed by some-body else, but I am responsible for them. That finishes it. Then one is very ill and in bad one can still sign a document.

Q That is enough, Doctor.

A No, I want to say something else, because there is something in this document that might be misleading. It can be seen from this document that in 1939, Dr. Terhaar took over the responsibility of the Chief of the Political Department, but since I wished that Dr. Gattineau who, since the 1st of January 1939, had his office in Brastislava, Slovakia, should have the possibility of coming back, this would be the task in chief and since I further wanted Dr. Terhaar to profit directly from Dr. Gattineau's experience, I therefore chose the expression that Dr. Gattineau maintain the position of the Supreme Director.

Q The next exhibit, 2027, NI-14314. This is a letter of the Foreign Office under the date of the 25th of February 1936. Dr. Ilgner from the first paragraph of this letter, it can be seen that the Foreign Office made certain subsidies to the Vereinigung Carl Schurz, the Carl

Schurz, the Carl Schurz Association, or that it promised certain subsidies to the Association. Would you first tell me briefly if that is correct, and, if so, whether and to what extent these subsidies were made.

A The association Carl Schurz was financed from their own funds from economy, 200,000 Marks, according to my memory. For the Cultural Department of the Foreign Office, there existed a fund for cultural associations and organizations and it was my principle that when I was asked for a favor from an official agency, for instance to take over the Reception Committee for the Olympic Games, that then the official agency should pay for themselves from their own funds. The Foreign Office made economies. They only approved an appropriation of 25% and the reason why they made such economies was the following — and I am very grateful to the presecution for giving me this letter, because we would not have been able otherwise to find it: It shows the relationship that the official agencies had with the Carl Schurz Association. At the bottom there is a sentence. I want to read it to be quite brief.

Q I wanted to ask you about it, Dr. Ilgner. Perhaps it is better if I ask you. From the third paragraph one can get the impression that the Association Carl Schurz became active in the foreign politics.

What do you have to say about that?

A I will be brief, as brief as possible. I was repreached by the Foreign Office where I made a certain speech during a lunch when a representative of the Foreign Office was also present. Am I tosay what kind of a speech I gave?

Q Only the title.

A lt was our wont in the Vereinieung Carl Schurz when in the
American embussy there was a new member that we would give a welcome luncheon.
This was a small lunch where Ambassador Dodd had appeared and the counsellor of the Embassy -- I am sorry, I don't know his name, but he came in in
1936 and this was in February 1936 -- he came in from Japan where he was counsellor of the Embassy and he became the counsellor in Berlin.

I gave the welcoming address at the table where was also Dr. Dieckholf and a few business people were present — it is important that I mention that Mr. Dieckhoff was present, because otherwise he couldn't have known of this affair, when I welcomed the Counsellor of the Embassy, I said, "You had come from the Far East. I was there too last year, and you know very well, counsellor that if me lives in the Far East one hasn't the feeling that one is an American, or an Englishman.

One doesn't even have the feeling that one is a European, or an American. One is a Westener as opposed to the Far East and this feeling of soliderity in the Western culture is also what guides us here in the Association Carl Schurz." However, since at that time German Foreign politics began taking up friendly relations with Japan, I said semething which was diametrically opposed to German foreign politics and that is why I was repreached. I burned my fingers.

Q Dr. Ilgaer, in this document it is pointed out that the Carl Schunz Association would exclusively deal with cultural and social functions. Did that happen repeatedly?

A That is the very same thing that the official agencies reiterated to us and which was in keeping with our old traditions of Cultural and Social functions and during the Olympics Games this social factor was especially recognized.

DR. NATH: Mr. President, I believe this is a suitable moment to make the recess.

THE PRESIDENT: All right. We will rise for the recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session. BY DR. NATH:

Q Dr. Ilgner, I shall now continue. Would you please look at Exhibit 2028, that is NI-14315. This is a file memorandum, and would you please, first of all, tell who wrote that memorandum?

- A It was Dr. Draeger.
- Q And who was Dr. Draeger?
- A He was the business manager of the association Carl Schurz.
- Q Ware there any relations between Schurz and the Tibbentrop office? Would you please say something about that?
- A You can't say very well that there were any relations between them. You asked me to be very brief, and I think I can deal with this entire document with one sentence. This document shows the nature of the compromise which we were forced to enter into when dealing with authorities. I shall only quote five words of this document: "In order to avoid unnecessary friction."
- Q The next document will be Exhibit 2029, and is NI-14318. This is also a file memorandum of the 30th of June, 1936. Who wrote this memorandum?
  - A That again comes from Dr. Dragger.
- I direct your attention to page 3 of the Garman translation; this is page 5 of the original. The Prosecution mentions the sentence where it is stated that the consulates were used with respect to establishing contact with Americans. It says that the consulates predominantly serve economic purposes and give less rise to any suspicion. Would you please state your view on that?

A This file note of Dr. Draeger's shows the tremendous care which we as well as the authorities exercised to see that cultural organizations like the Carl Schurz association would not in the least be suspected of carrying on propaganda. Here we are particularly concerned with the fact that a number of professors

and students, Americans, had connections with us and our business managar Da Haas carried on correspondence with them. The question had come up whether they should be appointed so-called corresponding members; for instance, I was the corresponding member of the National Gaographical Society of Washington. Dr. Leitner thought that it would be better not to do that, because the Americans wouldn't be very honored by that. If there were any interesting people who were interested in the aims of the Carl Schurz association, why not get in touch with the consul and write him a letter and if the consulate wishes it, he could contact those who are interested in this country, as it holds true of every consul in every country. Dr. Leitner's opinion becomes clearly apparent from the following briaf santance: "On the other hand he considered it necessary that the organization Carl Schurz confined itself strictly to dealing with Germany." That was in line with the Carl Schurz Association policy and it becomes vary clearly apparent from this file note that the testimony I made in direct examination was correct, to wit: That the Carl Schurz Association firstly carried on no propaganda; and, sacondly, that the official agencies in no way influenced the Carl Schurz Association. On the contrary, they always had the motto -- Caution, caution, and more caution. And finally, let me state -- I think the document really speaks for itself -- that the Association Carl Schurz endeavored to awaken an understanding for the United States in Germany; that is to the contrary; we made propaganda for America in Garmany; we wanted to make it clear to the Garmans what America really is, and I again quote: --

Q Dr. Ilgner, let us be a little more specific.

A That ispage 3 of the document; page 4 of the original, the top of the page; page 3, line 3, and it says there and I quote: "Moreover, it would have been clear that it was necessary to give the Germans more opportunity now to travel to America, especially as such trips were also to have the purpose of spreading an under-

standing for America in Germany,"

Q The next exhibit is 2030; that is NI-14534. It is a letter by you, addressed to Dr. Draeger. In this letter you define your attitude toward the file memorandum, that is to say that document which we have just discussed; that is Exhibit 2029. I draw your attention to German page 4, paragraph 5; it is page 5 of the original. You confirm here that the thought of close contact with the consulates seemed to be correct according to your opinion. Would you please explain this document supplemented by your previous statements?

amination by Mrs. Kaufman, or, rather, I must correct Mrs. Kaufman's understanding and that is that it is not a latter which was submitted to me for my signature, but rather that was a latter which I myself dictated with all its details. This latter serves as a good example as to how I desired the Carl Schurz association to be managed. I stand by this latter fully. It mainly shows the general tendency of our aims. With respect to the question of the consulates, there is nothing I could add. I always tried to enter by the front door and never through the back door, and that is also expressed here.

One more remark in conclusion, which may perhaps show the spirit which I expressed in my latters during the second half of 1936;
I suggested an advisory council of four bankers, and one of these four bankers was the Jewish banker Kampther, who was a friend of mine and that is stated in that document.

Q. Dr. Ilgnar, I am now turning to the next document, Exhibit 2031. This is the book submitted by the Prosecution, the diary of the American Ambassador Dodd; it was published in Switzerland or London; at any rate, not in Germany. Do you have this book before you? First, let me ask you this. Did you know the excerpts quoted here from the book before I started your direct examination?

A Dr. Nath, we had intended to mention this passage during

direct examination but we agreed, in order not to burden the record, to strike these passages, but, since the Prosecution has brought it out, I have to go into it. You asked me about the book. The book was written by Mr. Dodd's children. It may be that I learned to know them when visiting their parents; I don't went to do them an injustice, but in Berlin they were known as parlor pinks.

THE PRESIDENT: Just a moment.

The AMCE.N: We object to the testimony with respect to the book itself; as to the facts we have no objection; but, he is not in a position to testify about the book; we questioned him about certain facts as to whether he participated in certain conversations with Dr. Dodd, and, to refresh his recollection we showed him an entry of Dr. Dodd as shown in the diary. Now, as to the publication of the book and other matters of the book, we think all that is incompetent.

THE PRESIDENT: The Prosecution made some statements, did it not, about this book; what it was, and where it was published, when it was published. If this witness knows anything about those circumstances, it seems he ought to be entitled to tell it.

MR. AMCHAN: If he lays such a foundation, I will withdraw the objection; no foundation has been laid.

THE PRESIDENT: Of course, we understand no witness testified for the Prosecution about the book; perhaps what was said was said by Counsel, and should not be considered by the Tribunal any way. Perhaps a safer thing would be for the defendant to limit his testimony as to the book itself, unless he wishes subsequently to make some showing as to the certain circumstances under which the book was written or matters of that kind. There has been no testimony about the book; parts of the book are before us. The witness should be permitted to testify about these parts or any other parts of the book since the whole document is now available to the Defense.

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BY DR. MATH:

Q.- Very well, Dr. Ilgner. Would you please briefly state your position with respect to Exhibit 2031 and would you, in addition to that, make a brief remark in connection with that book, if you have anything to add.

A.- At any rate, it was my intention to be very brief. Through the kindness of the prosecution I have this book before me and I can confine myself to a few remarks.

Q.- Well, Dr. Ilgner, you already knew this passage in this document before it was put to you during cross exemination?

A .- Yes.

Q.- Secondly, in spite of that, you stated during direct examination that Ambassador Dodd had briendly relations with you personally as well as with the Association Karl Schurz?

A.- Yos.

Q .- You stick to that, do you?

A.- Yos.

Q .- Very well.

A.— I shall only quote one passage on two pages. On page 397, Mr.

Dodd writes about a Mr. Hanfstaengl who later escaped, and I quote: "I
have noted at the Karl Schurz lunchoons that he was rather free in criti
cizing Goebbels and others in the regime:" That is to say, at the table
we freely criticized Goebbels and the entire regime.

With respect to the reliability of that book, which was not written by Mr. Dodd but by his children after his death, I should like to quote this on page 385: "Ilgner announced in Chile that, I believe, he was Schacht's representative there." Now, Mr. Dodd knew exactly that I wasn't an employee of the Reichsbank, but an employee of Farbon. But I'll be brief:

I quote from page 425. This is about a correspondence between the publisher of this book and another man who is also quoted in the book. The name of that man is Sir Noville Henderson, the English Ambassador in Ber-

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publisher and Sir Meville Henderson: 'I'm about to publish', the publisher arites, 'the diary kept by Milliam E. Dodd during the period of his duty as United States Ambassador be the German Reich'." And further: "'It octurs to me that Mr. Dodd may have misunderstood you. If so, I shall be very glad to publish a footnate by you correcting his statement'."

And now I shall read from the answer of Neville Henderson to the publisher, Victor Gollancz. I shall quote only a few passages. I quote: "Even that is difficult as Mr. Dodd...."

MR. AMCHAN (Interrupting): One moment, please.

THE PRESIDENT: Just a moment. Just a moment. Let's hear the objection.

MR. AMCHAN: The objection is that anything relating to Sir Nevillo Handerson and the publisher is wholly irrelevant to the issues raised by the defendant and the testimony.

DR. MATH: Your Honor. Your Honor.

THE PRESIDENT: Now this book has been made available to counsel for
the defense and to this defendant by the prosecution and the prosecution
has likewise offered parts of the book. When parts of the book are thus
made accessible, the other parts are made available to counsel, and, with in reasonable limitations, counsel has the right to point out anything
in the book that goes to the weight of the parts of the book relied upon
by the Prosecution.

The objection is overruled.

BY DR. MATH:

A.- Only seven lines. I quote: "Yet, even that is difficult as Mr. Dodd's account is so misleading in any case."

Secondly - all these are remarks made by Sir Noville Henderson "But, as Dodd quotes me, I would look as if I had wished to get Neurath away
from Berlin, which is absurd."

Three: "It is quite inconceivable that I should have spoken as Bodd records."

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Fourth: "The remark attributed to me that England and Germany must control the world is pure balderdash and hardly fits in with the proceding sentence about the United States."

Sixth: "The whole passage is most misleading and utterly inaccurate."

Seventh, and finally: "Fersonally I like Dodd and I believe he was
a competent historian."

Q .- Dr. Ilgnor, I think we can leave that document now.

I now turning to the next document, Exhibit 2032. That is NI-14517.

This is the Farben report on your Latin-American trip of 1936. The Prosecution submitted this document in order to prove that we are not here concerned with business interests of Farben, but rather political interests.

In particular, with respect to the training of new people in these countries. Please comment briefly.

A.- That has nothing whatsoever to do with politics. I said in my direct examination that it was a matter of course that I would endeavor to train foreign employees to have loyal attitudes towards Germany. That's in our economic interest. In addition to that, Dr. Dietrich when on the mitness stand has said the same in connection with South East Europe. I don't think any more need be said about it.

O.- The next exhibit is 2033, NI-5619, These are minutes of a meeting of the Commercial Committee of the 20th of January 1938. On page 4 of the German text the prosecution drew our attention to paragraph 6 headed "Mobilization Project." You already testified on that during direct examination and would you briefly clarify what the contact was between the Vermittlungs—stelle-W and the commercial matters concerning the economic policy department.

A.- I shall just give you clues, Mobilization question means questions with respect to deferment. That deals with the reintroduction of military conscription which is a natural matter which has nothing to do with proparation for a war and cortainly not with preparation for aggressive war.

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It is stated here: ".... the result of a conflict between the technical and the commercial agencies." That is to say, between the Vermittlungs—stelle—W and the WIPO. I managed to adjust these differences, together with Mr. ter Meer. It is further stated that wherever interests of the entire Farben concern are touched upon, the WIPO should have the predominant position with respect to commercial questions and the Vermittlungsstelle—W with respect to technical questions, and both of these agencies are to adjust any differences in the interest of the entire concern.

- Q.- Dr. Ilgner, when perusing that document, paragraph 4 on page 3 came to my attention. The document bears the date .....
  - A. (Interrupting) What document are you referring to ?
- Q.- I am referring to the same document. It is dated the 2Cth of January 1938. German page 3, paragraph 4, "Foundation in England" is mentioned. That is, the foundation of a Farben factory in England. It is mentioned in connection with Count I, Knowledge of Aggressive Mar, and would
  you please tell the Tribunal what you know about such a foundation of a dye
  stuffs factory in Great Britain as it refers to any potential knowledge of
  an impending war?
- A.- That belongs to the same chapter which has already been dealt with here, that Farbon, up until imminently before the outbreak of the war, was founding factories and plants together with its foreign partners. That was in line with Farbon's policy and whoever has any inkling of the outbreak of a war would cortainly not do that.
- Q.- Dr. Ilgnor, our next document is Exhibit 2034. You have a photostat copy of that document before you and it deals with an appendix to a question-naire by the Military Covernment.
- A.- Yes, this is an appendix of 40 pages to a questionnaire which I made out on the 26th of January 1946 in the camp of Cramsberg. Since I heard at that time that one would be punished by the Military Government with heavy sentences in case cnything was left out of a document, I endeavored

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to put in everything which I could think of without having any material at my disposal, including the erroneous information given to me by my colleague, Haefliger, which he received from an interrogator in 1945 in a camp near Frankfurt to the effect that I had written an article concerning the annexation of Austria in the plant newspaper. Since I didn't remember that, I thought: "Tell, let's exercise due caution", and I wrote into that questionnaire that I actually had written an article. Moreover, that article in the meantime, was presented by the presecution in Murnberg as a prosecution exhibit, and the author of that article is listed as the former chief of the Press Department of Farben, Mario Passarge, of whom I already said that he was formerly the feature writer of the Vessiche Zeitung. I always called him "Mario, the lyricist."

Q.- In that case, am I correct in understanding that you personally had nothing at all to do with this article to which the Prosecution is referring here?

A .- Not at all.

22 Mar 48-M-AJ-10-I-Leonard-Ramler Court 6 Casa 6 Q. Dr. Ilgner, the next document is Exhibit 2035, NI6072. Those are minutes of a meeting of the Commercial Committee of the 22nd of April 1938, concerning Czechoslovakia. The prosecution refers to one sentance in that document, according to which you suggested that the Sudaton Garman Press be used to a greater extent for purposes of publicity. Would you please tell us briefly what you meant by that? A. This simply means that, for purposes of advirtisement of Farben and for inserting of pro-Farben articles, the Sudeten German press was to be used to since the othnic Gorman groups in the Sudetenland, in their attitude towards Farbon, were very unfevorable and unfriendly. I think that this subject will be mentioned by others and very enlightening material will be presented and I therefore need not go into this point. Q. But, Dr. Ilgner, I do want to hear from you whether these are purely business interests? 4. Yos, of course. Q. when introducing this document, the representative of the prosecution, Mrs. Kaufman, said that at this Commercial Committee meeting, I quote: "The short trust into Czechoslowakia was discussed." This does not become apparent from the document itself. Do you know of anything which could refer to any such remark made by the prosecution? 4. The words "the short thrust" I read here for the first time in an affidavit of Mr. Haefligar submitted by the prosecution. I nover heard of it before and there's no mention of it in this document. Q. Dr. Ilgner, the next document is Exhibit 2036. This is a mano of State Secretary Weizsacker of the Foreign Office of the 26th of April 1938. Since the document is very brief - it only has a few lings - I ask you to say with just one word what the content of this document means. A. Well, I can hardly use one word. Thisrefers to the Kieler wock. When I talked to Mr. Schacht, I told Mr. Weizsaecker, with whom 9763

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I had social relations, what the President of the Canadian Delegation had told me at the Congress of the IHK and I mentioned it here already during direct examination, and I suggested that a small circle of experts should get together in order to settle that matter and in order to make clear once and for all that were the German foreign trade methods and that I should make it clear that we could not evaluate them the same way as the pound and the dollar. We had to choose other ways. That was the conversation and Mr. Weizsaecker wrote six lines about it.

- Q. Dr. Ilgner, I shall submit an affidavit of Mr. Jeizsaecker to that effect and I shall now turn to the next document, Exhibit 2037. This is an excerpt from a speech you made on the occasion of the Vienna meeting of the Central European Trade Conference on the 2nd of September 1940. The prosecution introduced the document because an indication is contained therein from you with respect to the foreign policy of the Greater German Reich to which you refer. As I understand the prosecution's assertions, this allegedly is supposed to be identical with your views. Would you please state your position on that?
- A. This is the speech which Mr. Anchan asked Mr. Districh about on Friday. He had the original in his hand with all the nice photographs which are supposed to depict all these Mezis. They really weren't Mezis. General Gautier was vory anti-Nazi, but that's merely on the side. But there's no mention in this document that I said that that was our policy too. I merely said that the economic activity follows as a result and not that it was initiated by the official agencies.
  - Q. Dr. Higner ....
- A. Dietrich talked about that and I think the whole matter is sufficiently clear.
- Q. The next document will be Exhibit 2038. This will soon bring us to the end of the documents which we have to discuss. It's NI 14319. This is a note of Mr. Fischer-Jeahno of the 24th of June 1943 which he made in preparation for conferences with various agencies. Would

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you please tell me what this memo means? In particular, whether it is true that these are the guiding principles of the Reich Group Industry which Fischer wants to present.

- A. Mr. Fischer-Jaehne was the chairman of the Advertising Cormittee of Farben. He made purely internal notes here. I don't know them and they are not very interesting, but it clearly becomes apparent from these notes that he is repeating here the directives of the Faich Group Industry, directives which were discussed by Schnitzler, as the head of the Fair Committee, with the Reich Group Industry. The whole matter is a normal business matter.
- Q. Dr. Ilgnor, am I correct in understanding you to say that these are not Farben ideas?
- ... I don't want to commit myself to a detail which nover fell within my sphere of work and with which I was never concorned, but when reading this document you will see what it is about. These were merely directives.
  - Q. That will suffice.

The maxt document will be 2039, NI 10568. It again is a report of the meeting of the Commercial Committee of the 29th of June 1943.

Is it a fact that this document refers to the contents of Exhibit 2038 which was just discussed?

- ... Yos. In the previous exhibit the official directives are mentioned, but in 2039 we see what Farben made of them and that was, twelve drafts for Farben products, drawings which we used for advertising for Bayer aspirin, etc., and other products.
- Q. Dr. Ilgner, the prosecution, during its cross examination, put some documents to you. These are Exhibits 905, 906 and 907, and also Exhibit 806. The first three documents are found in Document Book B9 of the prosecution. These are reports of Mr. Homann. Would you please briefly tell us the Mr. Homann was and what you know about the contents of these reports which are mentioned in these exhibits?

- 4. Mr. Homann, in approximately 1938 or 1939, was appointed Ferbon lisison man. He compiled a few reports during the war, particularly after the outbreak of the war against the United States. These reports gave us a good survey of the developments in Latin "merica and also of the rubber production as it concerns sales to the United States. It doals with the black list compiled by the United States and other antters which are usually reported by a conscientious re presentative of n firm. Unfortunately, I didn't neet Mr. Homenn when traveling to South imprica, because, at the time, he was vacationing in Europe. At that time he wasn't as yet Farbon lisison man. At that time it was Mr. Brusckwann. But the prossention has submitted so much material on Mr. Homenn that, for the record, I have to state briefly that we have documentary proof about the personal conduct of Mr. Homann who is considered to be a decent and honest business men. He did his duty in Argentina and he received a Certificado di Buona Conducto, a good conduct certificate.
  - Q. A little slower, Mr. Ilgner.
  - 4. His property was unfrozen and he continues to work as a comercial man in the same way as he did. I think that these are reports thich are somewhat inspired by the war as was quite usual in war, but I always thought of Mr. Homenn as being a decent and efficient business who and I consider all these suspicions of espionage in the same way as those raised elsewhere during these proceedings.
    - Q. Whore does Mr. Homann live at the moment?
  - A. Mr. Homann is a free German citizen. He is in Argentina.
  - DR, N.TH; Mr. Fresident, that brings as to the end of my

THE PRESIDENT: Now, do any other of counsel for the defendants have eny questions for this defendant? Apparently not. Does the presecution have anything further?

ME. AMCHAU: Very briefly.

#### RECROSS EXAMINATION

## BY MR. AMCHAH:

Q Dr. Ilgner, you referred to some Farbon representatives working in Manchester, England. Now, is it not a fact that those representatives of Farbon who were working with the I.C.I. in Manchester, England, helping them called back to Germany by telephone on 25 August 1939?

Isn't that a fact?

A On 25 August 1939 I was no longer on duty for the past 7 months, as you know, and unfortunately I can't tell you anything about that period.

MR. AMCHAN: No further questions, your Honors.
BY JUDGE MORRIS:

- Q Dr. Ilgner, are there any living former dembers of the Farbon Verstand who are not indicted in this case we are trying?
  - A Yes.
  - Q Mould you give me their names, please,
  - A Dr. Bruoggomann-
  - Q Well, he was indicted but he is not being tried.
  - A May I ask Your Honor also, retired or active.
- Q Bither one. Just who were formerly members of the Verstand,

  A Besides Dr. Brueggemann and besides Professor Lautenschlaeger there
  are Dr. Kenstantin Jacobi, Dr. Pister, who was often mentioned here
  in the trial, and Dr. Gau well, but he was before the war before the
  war already a member of the Supervisory Board. He had already left the
  Verstand and was already a member of the Supervisory Board.
  - Q What is his name?
- A Dr. Cau G.A.U.S. Well, I'm not sure. Maybe Westrup is still living I didn't knew that. And Professor Wiegand I think is dead.

- Q Well now, Dr. Ilgner, I have taken you quite by surprise by this question, but I am interested in obtaining information as to any former members of the Vorstand who are living and who are not indicted in this case, and how long they served on the Vorstand and when they left the Vorstand. Now, I don't require that information from you right now, but may I suggest that one of the other defendants who follows you on the witness stand be prepared to answer my questions about that.
  - A Yes, yur Henor. I will do that.
- When, one more question. You testified, I believe, that some time prior to the devaluation of the American dellar by the United States grantent, Farbon council, or at least held, credits against the American dellar of one hundred million Beichmarks, and that by the time the dellar was actually devaluated your charges against the dellar were reduced to zero.
  - A More or less.
- Wow, what I'd like to know is over what period of time did that reduction take place?
- A I would say about one year. That means our invoices formerly, if they were sent in Collers now they were sent in Swiss francs or French france. So we stopped out the dellar and we need about—well, to eccemplish that perhaps only the last menths we did it, but the question considering the possibility whether the United States dellar will devaluate I considered since the moment when the pound storling had devaluated. It was just, let me say, an economic currency question.
- Q You thought that the devaluation of the dellar would likely follow the devaluation of the sterling pound seener or later, is that it?
- A Yes, but for quite other reasons, that were internal reasons, becouse the indebtedness in the United States was so high at that time,
  and that by the elaborations of the VCFI and my own studies I came to
  the conclusion that there must be something done to cut that indebtedness,
- Q By indebtedness do you mea public indebtedness or private indebtedness?

A Public utilities, farmer business, -- especially this. JUDIR WIRIS: Thank you. That is all I have.

THE PRESIDENT: Anything further of the defendant Ilgner? None being requested the Tribunal new excuses the defendant from the witness tox.

MR. ACCHAIR: With respect to Jurge Morris's question about surviving centers of the Verstand, whatever information would be meaningless release coupled with that information there comes forward the following facts. First, is the member new alive; was he alive at the time of the indictment; was he within the jurisdiction of the presecution so that he could physically be brought to Muernberg; during what period of time within the Farbon Verstand was this follow active. I state that for the resent that the presecution, at the time it drew the indictment, therefore to bring within the charges every living member of the Verstand who had an active position during the period covered by the charges as set for the in the indictment. There may have been one or two who were not available, who are deceased, or who had retired from active rangement of the affairs of the company during the period in question, I may make that observation because unless the facts which your Hener has in mind have the further information, it may serve no useful purpose.

JUDGE IT IS: I might say, Mr. Proscoutor, I have in mind desiring this information and with regard to some defendants, I will ask questions which will, I hope, produce the information I desire. If you think that that information reflects in the proscoution and needs some explanation, if course you will be afforded that opportunity.

ME AMCHAN: No, we didn't understand that any reflection on the Prosecution was intended. We just thought that it might be helpful to tell your Honor just what the prosecution had in mind at that and perhaps it might assist you in pursuing whatever objective you may have in mind.

JUDGE MCCPIS: Very well.

IR. JATE: Your Honors, the examination of my client has been concluded

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and with the permission of the Tribunal I should now like to call my next witness, His Highness the Duke Adolf Friedrich of Medklenburg.

THE PRESIDENT: The Morshal will bring in the witness.

(Adolf Friedrich of Mecklenburg, a witness, took the stand and testified as follows):

THE PRESIDENT: Will the witness please remain standing to be sworn, raise his right hand, say "I," and state his name for the record.

THE TIRESS: I, Adolf Friedrich Duke of Mecklehung.

THE PRESIDENT: Now, please repeat after me the oath — swear by God the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PULSIFIER: You may be scated.

#### DIRECT EXAMINATION

### BY IR. SATE:

Q Your Honors, at first I shall put a number of general questions to the witness concerning the personality of Mr. Ilgner and afterwards I shall ask him about specific facts. Your Highness, would you be good enough to explain to the Tribunal, in a few sentonces, what your career was?

A I was born in 1874 at Schwerin Macklenburg, the Grand
hely at the time. After finishing my studies I joined the Cavalry of the
Grands in Berlin where I served as an officer for ten years. In the
rear 1907 I carried out a number of expeditions for scientific purposes,
I went to Africa. From 1912 to 1914 I was the governor of the German West
dirican colony Togo. After the First World War I made six trips around
the world — three times to Africa, once to the Dutch Indies, lesting
the year, and twice to Latin America. Now I am the president of the German
Olympic Committee and at the moment I am the only German member of the
International Olympic Committee.

An I correct in saying that Your Highness is now seventy-four years

A Yes.

Vere you a member of the HSDA or one of its affiliations?

- A Mo, never.
- Q How long have you known Dr. Ilgner?
- A I made Dr. Ilgner's acquaintance in 1931.
- Q And how did you meet Dr. Ilgner, Your Highness?
- A I mot Dr. Ilgner through Baron von Brandenstein who, at that time, was the vice-president of the Garman Automobile Club. I was the president of that club.
- Q An I correct in saying that Your Highness knows Dr. Ilener very well?
- A Yes, I came to know him very well. Not only through social occasions, but I had personal contact with him. I went to his house. Yo went hunting to other, and we had very friendly relations.
- Q Would you say that Dr. Ilgner, considering his entire personality, should be considered a parasite, an exploiter of the Third Reich?
  - A One couldn't possibly say that.
- MR. AMCHAF: We would object to counsel suggesting answers to the witness and leading him.

THE PUSIDET: That is quite leading counsel. Try to avoid leading questions as much as possible.

DR. MATE: I shall endeavor to do soo Your Honor. May the witness reply to my question?

Perhaps for the record repeat your question, if you are not sure, counsel.

## BY DR. MATE:

- Q I think, Your Highness, that will suffice.
- A Well, shall I continue? I said one cannot say that.
- Q Well, that will suffice. Many thinks. What can you say about Dr. Ilgner's attitude towards persons who, according to Wazi terminology, had been designated as Jews?
- A I know very well that Dr. Ilgner helped racially and politically persecuted people as far as it was within his power. It is known to me that personalities who, by order of the Party, were to be dismissed, were

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not dismissed by him. I also know that such personalities, if he couldn't find a place for them in Germany, were sent to some foreign countries by him. With respect to personalities racially persocuted I should mention Geneimrat Lederer, Herr von Haltzav, and Herr von Fluegge. Politically persecuted people were Herr Von Hassel, Herr von Hornbostel and the Councilor Forster — legation councilor. I also know that he continued to have relations with foreign Jewish firms. I am referring to Contral America, for instance.

Q I think, Your Eighness, that will suffice. Dr. Ilgner, in the year of 1933 and 1934, belonged to a circle of industrialists who had been called in by the Propaganda Ministry as advisors. What do you know about the personalities belonging to that circle?

A Very little. Would you please ask your questions somewhat more specifically. I am unable to enswer them in that manner.

Q Dr. Dichn was one such member. Does Your Highness know something shout Mr. Dichn's political attitude?

A Mr. Diohn was a big-time international businessman. I think
for twenty-five years he held a leading position with the firm Den Meyer
in Singapore. After he had come to Cermany he became the president of
the potash syndicate. He was everything but a Maxi. He was well informed
politically and couldn't be called a Maxi.

If I understand Your Mighness you mean to say that he was anti-

- A Well, he was a commercial man well-informed internationally.
- Wany thanks. Do you know Mr. Otto Christian Fischer?
- A Yos.
- 4. Ho is also a member of the circle.
- A Otto Christian Fischer was the president of the Rich Credit Institute and he was a banker of considerable significance who was well informed internationally.
  - Q Doos Your Highness know the name of Max Hahn?
  - A Yos, Max Hahn bolonged to Dr. Jung's circle. Dr. Jung was later

murdered by the Magis. I think that will characterize him best of all.

Q I am now turning to another point. Since 1931 Dr. Ilgner was a member of the Automobile Club of Germany. Does Your Highness know some-thing about the occasion for Mr. Ilgner's entry into the Automobile Club?

A Yes, I believe that the main reason was the Louna gaseline. I know that the synthetic gaseline produced at Louna was subject to severe attacks. Baron won Brandenstein, whom I should like to mention at this point, placed himself at our disposal in order to bring counter proof. There were tests lasting for mention on his meter car and all these tests proved that all the asserations were untenable and that is how these two personalities met.

Q Do you mean Dr. Ilgner?

A Yes, I meen Dr. Ilgner and Beren von Brandenstein. I think that I was that occasion to ask Dr. Ilgner to join the club. Beyond that Dr. Ilgner know that the Automobile Club of Germany had good relations with freign clubs. Since he himself advocated international economic understanding, I think that consideration may have played a part too.

Q You already said that Your mighness yourself was the president of the Automobile Club.

A Yes, I was that for fifteen years, also during this particular period.

Q Did Dr. Ilenor hold any position in the Automobile Club?

A If I am not mistaken, in the year of 1932 he became a vice-

In his capacity as vice-president of the Automobile Club did Ir. Ilgner become active in any way with respect to the aims of the Automobile Club?

A Yes, Baron von Brandenstein spoke to me about Ilgner and he mentioned that he was a very impulsive and very significant personality especially in regard to international business relations, and he showed this quality immediately after his appointment as vice-president. One day Dr. Ilgner came along and said: "The people cutside den't know Germany

at all. We, whose tendency it is to be on good terms with foreign countries, went to invite our fereign friends to commany in order that they need not merely confine themselves to reading German newspapers, but so that they may have an opportunity to convince themselves personally about Germany's status after the First World War." That actually happened.

- Q I beg your pardon. Your "ighness is now speaking about the time prior to 1933?
  - A Yes, indood.
- Q What specific sug estions was made by Dr. Ilgner in order to premate the said cooperation prior to 1933?

A As I already mentioned, he wanted to afford an opportunity to foreign countries to inform themselves personally about the conditions in Germany in every sphere, and he was particularly interested in future international cooperation which was the acutal reason.

- Q Your Eighness, may I give you a cue home journey.
- A Yes, that is exactly what I wanted to mention. At that time the so-called journey home came about.
  - Q Well, would you briefly explain that to the Tribunal?
- A Woll, they were invited. They came to Berlin. They were housed in the best hotels and the next day there was a trip through all of Germany There was a fixed plan but it was "t degmatically adhered to. Special wishes were always taken into consideration.
- Q This so-called journey through our homeland, was it successful, and if it successful, and if it was did you decide upon a repetition?
- A Yes, this trip was so successful and the letters which we received from foreign countries were so cordial that we decided to arrange a second trip of a similar nature. At that time the so-called industrial trip was arranged.
- Q Do you know what prompted Dr. Ilgnor to make this suggestion to prrange an industrial trip?
- A If I am not mistaken Dr. Ilgner received information from Sweden from his wife, who is Swedish, that large industrialists in Sweden --- what's the name, I ve forgetten --- had been invited by the English

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Federation of Industry, in order to inspect industrial achievements in Great Britain, and then he said, "Well, let us do the same thing."

I innediately agreed.

Q In what way was this industrial trip carried through? The one in 1933.

A Cur fireign guests were partly fetched from their countries in special airplanes. Then they came to Berlin, and then started, in the same way as was the case on the occasion of the journey through our honeland, the industrial trip through Cornany — with special emphasis on industry. The tendency was the premation of mutual commanic relations with particular emphasis on expert economy.

Q Your Highness, what port did Dr. Ilgner play in the carrying out of this industrial trip?

A After having received the guests in the Automobile Club of Cornsny, Dr. Ilgner took the floor and explained to the guests the aim and the purp se of that industrial trip.

- O Does Your Highness perhaps remember one significant sentence from that speech?
- A Yes, he said at the time, "We industrialists are all in the same boat" -- and that was the tenor of the speech.
  - Did Dr. Ilgner initiate many similar such ventures?
  - A Yes, many such ventures.
- C Your Highness, would you please pause after my question so that the interpreter may catch up?
  - A Yes. There were a number of such trips.
  - Which ones are you referring to?
- A The next one was an invitation to the Kiel Week, a sporting event. Prior to the First World war the so-called Kiel Week was a parallel enterprise with the Cows yeek in Great Britain and it was carried through on a large scale.

On this occasion the guests were to be afforded the opportunity to discuss with leading industrialists such matters which were in the mutual interests of both countries, also bearing in mind the tendency of economic cooperation as a contribution to world peace and understanding among nations.

- , Am I correct in saying that the arrangers of this trip was again the Automobile Club of Germany?
  - A Yes.
  - and do you remember the year?
  - £ 1934.
- Out on the occasion of the Kiel Week? Were there any differences or any difficulties on this occasion and with whon?
- A Yes, there were difficulties. They came about because at the last moment the automobile Club of Germany which was the actual host had to give up the entire arrangement and

the whole thing was subordinated to the Reich Sport Leader, Herr von Tschammer-Osten, by higher orders.

- Was derr von Tschammer-Osten a representative personality of National Socialism?
  - A Yes, he was.
- Q Were there any differences between Dr. Ilgner on the one hand and Herr von Tschammer-Osten on the other hand?
- Yes, there were considerable controv ersies. Herr von Tschammer-Osten reprimanded Dr. Ilgner for not arranging this affair in the National Socialist spirit, but it was Dr. Ilgner's point of view that it was his task not to carry on National Socialist propaganda but economic propaganda.
- Were there any consequences for the automobile Club
- A Yes, considerable ones. There was a further controversy. The Reich Sport Leader with the German Automobile Club; and the Huehnlein Group on the one hand and the Automobile Club of Germany on the other hand had differences. The reason was this. The Automobile Club of Germany had to take care of a large number of associated clubs. That is why it assumed a position of power in the German Reich, but such a position of power was not looked upon favorably by the authorities in the German Reich. Consequently, the government endsavored to bring about a coordination of all such enterprises. In time all the clubs were dissolved and that is how the Automobile Club of Germany had to stop existing.
  - That will suffice; Your Highness. Was it tried to continue the aims of the Automobile Club within a different from and how was that done?
  - Automobile Club transferred to the successor of the Automobile

club, that was called the German Foreign Club.

- on the occasion of the Kiel Wask and who arranged that meeting?
- A One minute; I can't tell you that exactly at the moment.
- Q Does it refresh your memory, Your Highness, if I tell you it was this very club?
- A Yes, they arranged it but apart from that there were Farben, AEG, and a number of other larger and smaller concerns.
- Q To what extent did the Misl Wask affair in 1938 differ from that of 1934?
- A The Kiel Week of 1938 was arranged on a considerably smaller scale. It was done in connection with the Berlin congress of the Chamber of Commerce.
  - Who was the initiator of that Kiel Wask?
- a That was Dr. Ilgner. After the Congress Dr. Ilgner came along and said this: "At the Congress these people are missing each other's points because they don't understand each other. They are using various phrases for one expression and they don't really understand each other. It would be much better if such affairs are arranged on a smaller scale but are done better and it is only in this way that we could achieve any success."
- o well, that is quite clear; and who were the foreign participants in this Kiel Week of 1938? Can Your Highness perhaps remember some prominent names of foreign economic personalities?
- A I noted some of them down. From Belgium there was the Director of Societe Generale des Minerais, Pierre Aisrau. Then the president of the Union Chimique Belge, Janssen. From France, for instance, there was Baron Aumary de la Grange,

Senateur du Nord, the president of the Aero Club de France;
Peul Cavallier, president of the Chamber of Industry and
Commerce of Nancy; then there was the president of the Banque
de l'Union Parisienne, Jean Tannery; then there was the
president of the petrofina Francais, Leon Wenger. From Great
Eritain we had the director of the Bank of England, Anderson;
then we had the director of the airwork Limited, Thomas
Guiness. Then there was Ronald Hambro from Holland. There
was the president of the Nederlandsch F. Handels-Matschappij,
Crena de Jongh, and so on and so on. There were a number of
gentlemen from Switzerland and from Italy, about thirty
persons.

- Many thanks. As a participant in this affair and as a participant in all these affairs before that, does your Highness have any basis to show that the Kiel Week and the journey to your home and the industrial trip were carried on in order to prepare an aggressive war and that espionage and propagands were carried on by the German participants?
- A I think we saw it was Dr. Ilgner's tendency throughout to bring about cooperation and understanding among nations. One, of course, must realize that a war would destroy such ideals. It is quite out of the question that such matters were ever discussed. With respect to espionage Farben had every reason to maintain its important standing in the world.
  - Q Well, your Highness was chairman of this affair?
- A Yes, I was president at all these meetings and I would never lend my name to purpose of espionage. Beyond that, I don't believe that we could consider our foreign guests stupid shough not to have noticed any espionage because things like that always come to light.
  - and how did the foreigners judge this affair, the

# Kiel Week of 1938?

A It was very favorably received and we got many letters of thanks. In this get-together they saw a considerable contribution to the maintenance of world peace and that phrase was again and again mentioned in the letters of thanks.

- @ Was this affair repeated?
- A Yes, again in the year 1939.
- Q Now, Your Highness, would you please briefly tell us the purpose of this Kiel Week of 1939?
- A The tendency was the same. There were fewer participants -- the same success.
- C Thank you very much. Was this Kiel Week of 1939 influenced by political developments in the meantime and how did they express themselves?
- A Yes. At that time Hitler had marched into Prague. We considered whether under these circumstances the meeting should not be carried through. However, we held the point of view that we should carry out this meeting in spite of everything in order to demonstrate at any rate our will for peace.
  - Q Did Dr. Ilgner participate in this Kiel deek of 1939?
  - A No, he was ill at the time.
- C. Now, Your Highness, was there yet another affair which served the same purpose -- namely, economic cooperation? Be very brief, please, if you know something about it.
  - A Yes, the Olympic Games.
  - and in addition to the Olympic games?
- A In addition to the Olympic games, there was the association of the Friends of Klachau.
  - Q What is that?
- A The Klachau is a large hunting area in Styria which was cared for by Farben upon the instigation of Dr. Ilgner.

Dr. Ilgner was particularly interested in the economic relations with the scutheastern European countries. He wanted to entertain close contacts with the leading economic personalities of these countries. The venture was arranged in a manner where after the hunting trips one got together and frankly discussed all those questions in a preliminary way which were later brought up during the conferences in Bratislava, Bucharest, et estera.

Q Am I correct in saying that these meetings -- that is the association of the Friends of Klachau -- also served sconomic cooperation with respect to the southeast European countries?

. Yos, that is true.

DR. MATH: Your Honors, I don't have many more questions and I should like to have your permission to continue after the recess.

THE PRESIDENT: The Tribunal will rise until one-thirty. (The Tribunal adjourned until 1330 hours, 22 March 1948).

### AFTERNOON SESSION

(The Tribunal reconvened at 1350 hours, 22 March 1948)

THE PARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in sassion.

DR. DIX (Counsel for defendant Schmitz): I ask your Honors'
permission to make a short announcement. I hope that you will have
some joy from this announcement, your Honors. It serves to expedite
the proceedings.

The Tribunal will remember that the defense, when the Commission was instituted, asked for the privilege of having the Tribunal
reserve its right to make decisions on objections. Since quite a few
objections have not been decided on and, on the other hand, the Defense
counsel have made the acquaintance of the Commissioner, all of Defense
counsel are agreed to have the Commissioner empowered to make decisions
on objections and we marely ask for the privilege of being permitted
to patition these decisions to the Tribunal, if necessary.

THE PRESIDENT: Is the Prosecution ready to express its view on the suggestion of counsel for the Defense?

MR. AMCHAN: We are taken a bit by surprise but it occurs to us that if the hearings before the Commissioner are going along satisfactorily and the Defense is satisfied with the way it is being handled the Prosecution is. I think we ought to continue with it.

There has been no difficulties enocuntered by either side, as I understand it. I am doubtful what useful purpose will be served at this state if the Commissioner is given authority to rule and in connection with those rulings of aggreeved party will probably apply to this Court seeking a pevicy. It occurs to me that those additional lateral proceedings might lengthen the time. We are used to -- we have experience in the proceedings as in effect. We are entirely satisfied to have them continue as they are now especially in view of the statement of counsel that he is entirely satisfied with the menner in which the Commissioner has conducted these hearings and he has had no

occasion to patition this Tribunal to raview any action of the Commissionar. Under those circumstances, we would like to leave the matter as it is now which seems to work pretty well for all concerned.

THE PRESIDENT: Dr. Dix, your offer is on the record. The Tribunal will take note of it and consider it and call the matter up at a subsequent time and express our disposition in that regard.

Thank you vary much.

DR. DIX (Counsel for defendant Oster): I merely want to ask now that the defendant Oster be excused tomorrow and the day after tomorrow for the preparation of his testimony.

THE PRESIDENT: That request is now granted by the Tribunal..

DR. DUERR (Counsel for defendant Gattineau): Mr. President,
I ask that the defendant Gattineau be permitted to stay away from the
sessions on Tuesday and Wednesday for preparing his testimony.

THE PRESIDENT: That request is likewise granted.

FRIEDRICH ALBERT, Duke of Mecklenburg - Resumed

DIRECT EXAMINATION (Continued)

BY DR. NATH (Counsel for defendent Ilgner):

Q Your Royal Highness, before the recess we discussed the Circle of Friends of Klachau. We discussed Dr. Ilgner's attitude towards the Southeast European countries. What was Dr. Ilgner's attitude, his basic attitude, in regard to the countries of Southeast Europe during the war?

A It was vary aquanimous. It was his characteristic that he had the interests of other people at heart. He was of the opinion that a contract is only good if it satisfies both parties.

Q Did you have an opportunity during the various events to observe what contact Dr. Ilgner maintained personally with the foreigners and how he conducted his conferences with the leaders of foreign economists?

A I believe I have already intimated that the conversations were conducted on a friendly basis. Dr. Ilgner was of the opinion that

22 Mar 48-A-38-15-3-Primaau (Int: Katz) Court No. VI, Casa No. VI. if the man landing in aconomy are friends it can only serve the Garman cause and also of world peace. Q Did Your Highness notice any facts or any indications. in Dr. Ilgnar's conduct which might make it seem possible that Dr. Ilgner pursued a policy of spoliation and plunder? A Navar. Q I forgot to ask Your Royal Highness whether you yourself ware a member of the Circle of Friends of Klachau? A I was in the Vorstand together with Dr. Ilgnar and the Landrat von Filmowsky. Q I might ask you again to make a short pause after my quastion. A T gether with Dr. Ilgner and Lendret von Wilmowsky. I was in the Vorstand together with these two people. Q Does your Royal Highness know the economic attitude of the Cantral European Economic Congress? A Generally, the tendencies were the same, but the Central European Economic Congress was working on a private industrial basis. Q Did you observe that Dr. Ilgner carried on aspionage and that he made available and used his own enterprise, NW/7 for such purposas? A Naver; I never heard him discuss this. Q Was Dr. Ilgnar opposed to war? A In my opinion, he was opposed to any war. If he had been promoting wars, then, as I have already said this morning, he would have destroyed his own ideals which were based on mutual understanding, selfrule and cooperation of the peoples. Q Initially, Your Highness described that you had been on many foreign trips. On these foreign trips did your Highness ever observe anything about war mongering activities or espionage activities or propaganda for the National Socialist ragime by Dr. Ilgner? A No, never; I know that the relations of the Party to Dr. 9785

Higher wars very tanss. It would have been senseless if Dr. Higher had done aspionage for a party with which he was not on good terms.

Q In 1937 you undertook a large trip to South America.

A I was on Dr. Ilgner's tracks — I followed his tracks at various times in 1937 also and I talked to imnumerable persons in leading positions, with all presidents of all the states, with the largest part of leading aconomists. I was invited to embassies and I talked to persons who also knew Dr. Ilgner. I never heard the vaguest that such espionage activities or such like things were carried on.

Q Did Your Royal Highness also get in contact with foreign representatives of Forben on your trip to South America?

A I got in touch with them day by day, not only in the agencies but I met the papersentatives in the various towns. They accompanied me to the various provinces and at those occasions I never noticed any espionage activity. I can add to what I have said already that those persons whom Dr. Ilgner introduced to me remembered the idealism with which Dr. Ilgner approached these cooperation problems.

Q Your Highness, what was the relationship of the Party to Farban?

A That relationship of the Party to Ferben was never good, and it was not good either toward Dr. Ilgner. I know that there were serious controversies. Dr. Ilgner probably had to join the party because he was a leading industrialist, but his attitude was only on the surface. I always considered Dr. Ilgner, a "button-hole Nazi", but not a "heart Nazi".

Q Do I understand Your Highness correctly, that you want to express by the remark that he wore the Party badge, but that his attitude was not Nazi?

A Yas, that's right.

Q Does Your Highness know anything about the attitude of Herr. Flechtheim, Herr Schnitzler, Herr Krueger and Frank-Fahle?

A Yes, I can say that, in my conviction, none of these gentlemen were in any way identified with the Party. I knew a number of leading persons from the Party, and therefore I believe I can judge their attitude.

DR. NATH: This concludes my examination, Mr. President. I have no further questions.

THE FRESIDENT: Do any other members of the Defense counsel desire to interrogate this witness while he is on the stand?

Since no such desire is indicated the Prosecution may crossexamine the witness.

#### CROSS EXAMINATION

# FRIEDRICH ALBERT DUKE OF MECKLENBURG

BY MR. ALCHAN:

Q Mr. Witness, were you familiar, during the period of 1933 to 1939, with the activities of I.G. Farben?

A I am sorry. I did not understand everything.

THE PRESIDENT: Will you repeat the question, please?

MR. AMCHAN: Were you familiar with the activities of I.G.

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Farban during the period from 1933 through 1939?

A No, I was not familiar with them. I had almost no insight into the organization or structure of Farben.

MR. AMCHAN: I have no further questions, if Your Henor.

THE PRESIDENT: If there is nothing further, the Tribunal is about to excuse this witness. Mr. Witness, you are excused from further attendance.

DR. NATH: Mr. President, my next witness will be Director Frank-Fahls. My colleague, Dr. Bachem, will conduct the examination, and with Your Honor's permission, I now call Dr. Frank-Fahls to the witness-stand.

THE PRESIDENT: The marshal will bring in Dr. Frank-Fahle.

Mr. Witness, will you please remain standing for the purpose of being sworn. Raise your right hand, say, "I", and state your name , for the record?

A I, Guanther Frank-Fahle.

Q Now repeat this oath after ma:

I swear by God, the Almighty, and the Cmniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the cath).

THE PRESEDENT: You may be sented.

### DIRECT EXAMINATION

DR. GUENTHER FRANK-FAHLE

BY DR. BACHEM: (Counsel for Dr. Ilgnar):

Q Dr. Frank-Fahla, would you pleasa state your full name and residence for the record?

A Guenther Frunk-Fuhle, Oberursel, Hohemarkstrasse 123.

Q Dr. Frank-Fahle, from what time on were you working for Farben N# 7, Berlin?

A From the beginning of 1933 on.

Q What position did you hold there?

22 Mar 48-A-MB-16-3-Ha Stamurt (Int. Katz) Court No. VI, Casa No. VI. A Since 135, I have been a Prokurist and Director in Farben, and one of the deputies of Dr. Ilgner in the management of Berlin NW 7. Q What were your particular functions in Berlin No 7? A In the Central Finance Administration I had above all, to deal with the problems of stabilization of currency and foreign exchange credits. Furthermore, I had the supreme management of the office of the Commercial Committee, and the reorganization of the Commercial Committee in 1937, - that is, the office of the Commercial Committee was under the jurisdiction of not only NW 7, but as I have already stated, it was also under the jurisdiction of the entire Commarcial Committee. Busides that, temporarily I was in charge of various smaller departments in Berlin NW 7, - among others, the Legal Department. Q Can y u planse give me a few brief words on the main tasks of the Legal Department of Barlin No 7: A The Legal Department of NW 7 had to fulfill three functions. First, current legal advice on matters of the entire organization, Barlin No 7; Sacond, the Lagal Department, No 7, - and partica ularly the heads of this organization, - were under the jurisdiction of Dr. von Knisrism, for working on questi as with Corporation Law, and the subject matters connected with it, such as increase of capital, general assembly of stockholders, ref rms of Corporation Laws, and so 'n. The Legal Department was available f r the Oil-Sparte for taking cars f their legal problems that might arise. I remember Dr. Reintges, who was an associate of the Legal Department, who later was transferred on a full-time basis to the Oil Sparte. Q Did Farban Burlin NW 7, and particularly Dr. Ilgner, have anything to do with those problems which you mentioned under 2 and 3, the Corporation problems and law problems of the Oil Sparte? A No. Q Did the Central Finance Administration have anything to 9789

do with the control or appropriation of monetary funds for new construction, reconstruction or extension of Farben plants?

A No.

Q Was the Central Finance Administration, competent for taking out and granting of credits?

A The Central Finance Administration was competent for credits in foreign countries. During most of the time that I was a member of the Central Finance Administration, the taking out of Reichsmark credits was not necessary, because of the large amount of cash in hand of Farben in German currency. Reichsmark credits were only taken up when Plants had to be constructed upon order of the Government, about these credits, the management of the Plants, and other Farben agendies negotiated and they were very frequently conducted on their own responsibility.

In the course of time there was friction with the Central Finance Administration. It was the endeavor of that Agency, the Central Finance, that they should at least get an insight into all credits that the Farben office took up in Reichsmarks.

Q Dr. Frank-Fahls, in connection with the credits of foreign exchange that you mentioned previously, I want to ask you one more thing. The Prosecuti n submitted an affidavit of Dr. Ehrmann, - that is Document NI 4930, Exhibit 766, Document Book 41, page 79 of the English, and page 139 of the German. This affidavit is before you. Would you please comment on it?

Q Mr. Ehrmann said in this affidavit that Farben was preferred to the other firms because it was given a particular credit on raw materials. This statement is somehow, at least, incorrectly/ phrased. The affidavit creates the impression that this preferred treatment, - the granting of the raw materials credit, - was done by a German government agency. This is not the case, however. Every German firm, if it had the necessary credits abroad, could take up the credit in the foreign countries. The raw materials credit, of which Mr. Ehrmann speaks in this affidavit, was a credit which Farben had negotiated privately with a London Bank. The alleviation which this created for Farben, was found in the fact that if Farben needed foreign currency in order to obtain Government permission to import some goods from foreign countries, Farben did not have to approach the Reichsbank or the Reichs Ministry of Economics, to get their foreign exchange from Reichsbank holdings, but they could get their foreign exchange from the person who granted the British Credit abroad, or the Dutch man, or whoever granted these credits.

Q Do I understand you correctly that just as any other firm, Farban needed permission from the German Gov.rnmant for importing any goods from abroad?

A Your assumption is quite correct. I said, and I expressed myself quite clearly, that just as any other firm, we had
to comply with all formalities in order to receive the permission
of the Garman Government agencies, so that we could import goods.
It was only a question of the procurement of the foreign exchange
necessary for importing these goods.

Q You said, Dr. Frank-Fahle, a short while ago, that you had taken out this credit. Was this done or had this to be done upon the order of your superior, Dr. Ilgner?

A No.

A The manner in which Dr. Ilgner conducted the management of Berlin NV 7, was such that his close associates were given much leeway. I discussed this large credit with Dr. Krueger, and of course, before we took out this credit, we informed Dr. Ilgner. After we showed him that this would be expedient to take out this credit, he agreed to our suggestion immediately. I should say that this was characteristic of the manner and method in which we, in the Berlin NY 7, worked in other fields as well.

Q Can you give us any other examples in order to make it clear to the Tribunal, how the work was divided in Berlin NW7?

A Dr. Krueger and I worked very independently in negotiations with the Banks concerning foreign exchange, and we only informed Dr. Ilgner, in general outlines, and in other fields as well, where financial concerns of Farben had to be safeguarded.

In this connection I remind you of the negotiations with Petsamo, of the technique of exchange rate security in connection with the devaluation of the gold currencies, in all of these questions, we were given much liberty.

Q In what problems, particularly, was Dr. Ilgner interested?

A Dr. Ilgner was basically interested in currency questions in their entirety; in all questions having to do with export, foreign trade, and so on; in questions of industrialization, particularly of those countries with a prependerant agriculture, and with all questions having to do with the promotion of export. Then, of course, in all questions of industrialization from MV 7, questions of hiring newpersonnel, and of new trainoes, and for the current problems that came up every day. Q Dr. Frank-Fahle, in connection with the problems of export and of promotion of export questions, the Prosecution has submitted a few documents which they consider as incriminating toward Farben. The promotion of exports was frequently discussed in the various committees of I. G. Farben. Can you please, as briefly as possible, tell me why this particular question was of such significance to Farben?

A Well, that can be answered very easily. I believe that 40 per cent of Parben's turnoverwas export. Refere the time of the marger of the original firms Parben had a large sales organization in the foreign countries. Therefore, it is a matter of course that for reasons of private enterprise, they were very much interested in maintaining their exports. Pasides that, one must take into account that Farben, in view of its size, had to import very many important raw materials from abroad, and finally, in order to precure the foreign exchange necessary for this import, we had to export.

I believe that I do not have to go into the difficulties which arose after the collarse of the Austrian Credit Anstalt, and because of the increase the customs! tariffs of the United States with their farereaching impact on world trade which was even still intensified by the devaluation of the Pound and the Dollar.

Added to that, was the fact that when the Fazis took power in Germany, they were imporent of the basic fundamentals of Germany's economy and believed that one did not need the foreign countries. At that time they believed that one could do without exports, that one did not need any foreign raw materials, and so on. That, of course, meant a very serious danger to Farben, and Farben tried everything in order to at least maintain their export. As was his wont, in his lectures, Dr. Ilgner again and again pointed out the necessity of international cooperation, and of the need to conduct foreign trade.

Now, Dr. Frank-Fahle, the official German agencies demanded that exports be furthered. How can that be reconciled with the statement that you have just now made? A It must be understood that after the Mazis had been at the helm for a few years, they found out what was going on. Thilst, in the beginning, they reperded exports as infamous, they later used phrases such as "You must export or die", or they said, "The German people must apport Interder to live"; similarly to the way in which in our time one tried to apply the Horgenthau Plan to Germany and finally found that Germany was not able to live without export. That is a similar circumstance.

C Dr. Frank-Fahle, did Dr. Ilgner, together with the other defendants, as stated in paragraph 49 of the Indictment, draw up expert programs for all of German industry?

A I do not remember that.

Q Would you know NI-10570, Exhibit 762, Document Book 41, page 26 of the English, and page 42 of the German which is the memorandum of Dr. Ilgner on the promotion of experts, would you consider this such an expert program?

A Dr. Bacham, I do not remember this mamorandum very well any more, and I have not read it now cither. As for as I remember it, from those times, it contained in a conceeled form, a criticism of Government measures that hampered experts, and was an attempt to remove these hindrances for Farban and for private enterprise and to try that private enterprise be given a larger opportunity to influence expert measures.

C. Do you know whother this memorandum achieved its purpose?

A Mo, I don't.

9 Did Dr. Ilgner take any further steps in order to strengthen and to promote Farben's exports?

A He made various attempts. For instance he held the opinion that one would have to promote exports indirectly by supporting the German Chambers of Commerce. The day before yesterday, for instance, through the testimony of Dietrich, the promotion of the young trainees in the Southeastern European Countries, was another such step, and also on the basis of his experiences that he gathered on his trips to the

Far East, he was very favorably impressed by the very close cooperation between the British and Americans foreign representatives and their Embassies and Consulates. I remember that he frequently pointed out that we Bermans made much too little use of the facilities of our diplomatic representatives. He frequently pointed out that it was a matter of course for an Englishmen, even if he stayed only a few days in Berlin, that within the first 24 hours, he would go to visit his Embassy. I must say that he is quite right in that matter, because my former English friends from London always did so when they came to Berlin. They always did visit their Ambassadors either on the first or the second day of their stay there.

Br. Ilgner believed that by maintaining closer contact with the German representatives abroad, it would make for a higher afficiency in exports. It is, of course, a matter quite natural that he had to consider the people who were in power in Germany at the time, especially when one takes into account what an exposed position Farben was in, because Farben really was hateful to the Mazis Party because of the Mazi Party's collective attitude.

- Q. How do you know that?
- A. I don't know that only now; I know that from 1933 on, and I know it much longer than from the SS-man Ohlondorf's testimony. I have heard from various foreign representatives of large foreign interests who acquired a more intimate knowledge of the Party's intertions than many of us could acquire during the years '33 to '39. That was at the time when one regretted very much to see the large influx of foreigners who marticipated in the Party events.
- Q. Can you tell me quite briefly what this feverable attitude at the time in certain parts of the world toward Taxi Germany was influenced or caused by?
  - A. The first indignation about the acts of violence ...
- point came up several times during the course of the trial, namely, the attitude of the outside world toward the Masi program, and my recollection is that the Tribunal ruled that the only point at issue was what was common knowledge within Germany and not what the attitude of people outside Germany was. On that ground we object to this question.

THE PRESIDENT: Woll, if the sole purpose of this testimony is that, the Prosecution's position is well taken. We are not concerned with the matters of general knowledge throughout the world but only as it relates to matters pertaining to these defendants.

What is your purpose, Mr. Defense Counsel?

DR. BACKER (Counsel for defendant Ilgner): Mr. President, I believe that within the scope of the indictment which charges Farben's cooperation with the Mazis that it is of a certain significance and importance to know what the attitude of those foreign people was with whom the defendants had a great deal to do at those times.

THE FRES DEST: The objection is sustained.

## BY DR. BACHELL

Q. Dr. Frank-Fahle, in connection with the foreign trips of Dr. Ilgner which were mentioned repeatedly, I want to ask you: Shortly after

28 March-4 JP-18-2 School (Int. Katz) Court VI Case VI Dr. Ilgner's trin to South America were you there too? A. Yes. Q. Mar countries did you visit? A. I was in the Argentine about six weeks, a few days in Brazil, in Chile, in Paraguay and Uruguay. Q. Con you tell me quite briefly if you were able to determine eny reaction on Dr. Ilgner's stey in those countries when you were there later? A. Yes, I found a serious reaction to his visits. Q. What was this reaction. A. I was always asked questions about Dr. Ilgnor. His vitality had disturbed people very much. They had not quieted down yet from his impect. In the short tire of his stay in the verious countries he had touched upon so mehy problems -- for instance, industrialization, raising of the living standard, currency problems; so Many problems were touched upon by him that he had the effect of leaven or like worst. Q. Did you, Dr. Frank-Fahle, during your stay in South America visit the people from the foreign organization of the Farty? A. "cs. Q. Thy did you do that? A. It was desired in Berlin, and I did it mainly because I did not went to get into any trouble during my business transactions which the foreign organization might make. They might perhaps have been hurt if I and not visited them. Q. You said just now that it was desired in Berlin,

A. You.

Q. Who in Berlin desired that?

A. The State organizations of the Party.

Q. On his South American trip, Dr. Ilgrer gave presents of photoand film cameras to the Landesgruppenleiters in these various countries.

A. With these presents he wanted to create a more favorable

sthosphere for Perbon. It was done for similar considerations. It was generally the endeavor of Perbon to meet the foreign organization helf-way with the small things so as to work independently in our business, which we had considered nost important.

Q. In connection with this trip to South America, I want to touch upon another point with you. The Prosecution submitted a report dated 10 January 1941, written by you and Dr. Overhoff. This is Document PI-10712 Exhibit 804, Document Pook 45, English page 21, Cernan page 50. The Prosecution in their trial brief, on page 59, calls this report as an especially enlightening information about the activities in the Argentine and in related countries.

Can you please comment on that?

- A. It was during the war?
- Q. Yes, yes.
- 4. Er. von Toermenn had errived in Europe by plane from the Argentine.
  - Q. Mr. Frenk-Fehlo, who is Mr. von Toermenn?
- A. Ur. von Teermann was the Fernan subsessed in the Argentines at the time. He visited me in Berlin, and Fr. Overheff, in Frankfurt, who was a specialist for the dwestuffs business in South America, was together with me at this conversation because Overheff was marticularly interested in setting news from South America. Hr. von Teermann told us of the difficulties which confronted the agency of Parken in Buenes Aires with the foreign organization and with the Argentine government.

Among others the reason was that the foreign organization of the Farty wanted to exmoufleg the dyastuffs representatives of Farben the amilians flomens. We had finally achieved with much trouble that the foreign organization withdrew their demand, and therefore we asked Mr. von Toermann to send the telegram to the Amilians Alemans and to notify the Deputy Landesgruppenleiter in the Argentines. This was a former employee of the Dayer organization in Argentina. I believe that he left as a result

of some trouble. Therefore, he wasn't very favorabley inclined towards ar. Homann, and therefore he caused him difficulties, as far as I know.

. When we were together with ar. von Beermenn it is a matter of course that we asked him about the general situation in the argentines and in the other outh American countries. These countries were then conducting negotiations with the United States.

I remember that at that time the question of the bases in South America was under discussion. We considered this information very interesting because it was important for us in evaluating the question as to what extent we should continue our basiness contacts in South America. It is difficult for no to see how I should have actively participated in the molitics of the Chirl Reich by receiving this report that Mr. von Teenmann made to Dr. Overheff and to me.

- Q. In your file note it saws that Hr. you Teermann considered it necessary that some argentine citizen should come to Germany in order to get a direct impression of the actual effects of the war.
- A. I believe that the Tribunal knows that one of the Subsidiary companies of Farbon in 1927 was given a subsidy by the Argentine government togother with Boros for the construction of a powder plant. This plant Was constructed under the supervision of Moein-Rottweil in 1937. It was begun in 1957 and when the war broke out, and at the time when we talked to .r. von Coermann, it had not yet been finished. When Wr. von Teernean said that the relations between the Argentines and Germany, were deteriorating, we thought that this little powder plant might not be d finished at all. And therefore we considered the desire of Mr. von Teermann that an Argentine businessmen should come to Goranna to improve Gorman Argentinian relations as being in the interests of Farben. Therefore, we turned over this request to Oberingeniour Brendt, who was in charge of construction of this plant at the time, and he intended answer to come ec: to Germany during the first few months of 1941. We thought that he should take along some Argentine gentleman in order to discuss with him the technical details for the completion of the construction.

- . Dr. Frank-Fahle, the beginning of your statement just now about the powder project was not properly translated. Louid you ple to repeat once more that this was -- only the beginning?
- for the bulling of a shall powder shame. This was repeated in 1900 or 1937, and Yould-kottweil, together with other firms such as Bofors and a Folish of a Burnarien firm, and so on, all participated in this competition. "colm-kottweil was given the first prize, and then in 1927 they been to build this plant.
  - . Th t is enough. Thank you.

One I st testion in this connection. Did ny rgentine gentlemen come to Ger. ny , as provided in this file note?

- 1. O, I connect remember that any did.
- The Frank-Fahle, about the quantion of gifts and contributions that the discussed previously, I amust to put to you Prosecution Document I-1 31, Exhibit 531, Document Book 46, page 24. This is an excerpt from a mail conference record Tachsays this, and I mote:

"Frenk-Pible advises us that a contribution is taken under devisement for the Fascio in Holland and that this contribution is to be made as soon as the necessary formulaties have been settled."

Could you coment on this, briefly?

I repeat briefly: On the oth of dry, 1940, together with one of any associater, I cent to emsterd a for a business conference. On the 10th of dry, 1940, we were surprised by Germany's attack on Folianist four o'clock in the morning. We fidn't want to be arrested, and therefore 'e sought the shelter of the then-still-neutral Italian consult general in another. The Italian Consult General housed us in the annex, the House or the Fascio, and there we were a needed. I e considered it a atter of course that in gratitude for this favor, for, after all, this Fascio Youse was not extra-territorial, and that for this large person I mish that these people-took, that the Consult General assumed,

we wanted to express our gratitude. And as a gesture of pratitude I suggested a chery gift to the Fascio House in Amsterdam. I cannot remember the amount of the money lift.

7. Dr. Frank-Fahle, please look to the affidavit of Dr. Jacobi that is before you. This is the Prosecution Document 31-7605, Exhibit 776, Document Book 44, page 18 of the Saglish and German.

Do you know Dr. Jacobi, Dr. Lalter Jacobi personally?

- A. Yes, very well.
- The Dr. Jacobi states in his officevit, and I quote: "It that time the matheresal of the support which Farben gave to the Party would have seriously weakened the influence of the Party in Germany."

Did Dr. Jacobi, even at that time, tell you about this idea of his?

- a. No, I cannot remember that. During 1953 and '34, until the outbreak of the ter, te discussed the political situation very much, but I cannot remember any suggestions that he made, in what maner Ferben while weaken or break the power of the party. Perhaps he jot this idea at a later time. That is unite possible.
- 1. Con you tell me what support, which was to be withdrawn from the Party according to Dr. Jacobi's suggestions, this was?
- assumptions. I could imagine, for instance, that he might have thought that Farben should no longer pay contributions to the Party, but I don't think that this is not a serious idea of such an intelligent wan as I know Jacobi to be. It would have meant only the making of some sort of apposition to the Party. Farben was not able to break a regime of terror; that could only have been broken by force. And if Farben had made some opposition to the time then the Party would marely have penetrated into farben, that is to say, we would have received regular lasts on our sufficients t, as happened to other farms, and then it would certainly have been not so easy anymore for the old friends of Jacobi, the are now on the dock to help him when he emigrated to Iondon, for that move from

Berlin to London was done in a comparitively pleasant manner. In that connection I and to say that in many respects it would have been much more comfort ble for Farben in many respects it they had gotten some prominent I si on their aufsichtsrat or on their Vorstand. I have sonsidered it . princular merit of Geheirrat Schmitz and of the Marben management that they kept the vorstand on the aufsichtsrat free from these Azi toor ts -- excuse the expression.

- Q. Dr. Frank-Fahle, can you tell me quite briefly what brought it about that Lar. & cobi enigrated in 1935 to London?
- A. This he pened in the following may. Dr. A cobi was closely allied with br. Ilgner, the aleced his trust in him, and who imported him of 11 lis ideas bout the dev luntion of the currency, those steps which Dr. Il may took through the Central Finance dainistration on behalf of P room. Or. Jocobi played a very important part in the litrogen Symbo to and also in the International itrogen Cartel, and he accepted as his own the essures wich Dr. Ilgner suggested about the safeguarding of the amounts due to them grant the devaluation of the currency, and we mented to see to it that these mentes due to the hitrogen ognidicate and the partners could be protected. As a result, or. A cobi a prouched Dr. Ileman and asked him whother we couldn t help him, and as Dr. Ilgaer's dejuty, or on his suggestion, the formerly had personally particip tod in the mitrogen confirences, I inveled in 1953 to participute in . Musting of the Intern tional Mitrogen C rtel in Ostend. There I get the partners, French, British, Dutch, Eclgien, ctc. and I explained to them our ideas. The people from these other countries were ruite in 1 yor of sifegu rding the entire accounts receivable of the International ... trogen Cartel igmsdi tely. The old small association of the Mitrogen C rtcl in Besel was not suntable for this surpose, in dicobi and I were of the opinion that London would be the best place. To developed the idea of icumding a small corporation in London, the man gement of which should be taken over by Dr. Jacobi. This idea was seconded by Dr. Schmitz, Dr. Oster, and especially by Dr. Ilgner. I want to s.y that

the idea through to create a safe position for Dr. Jacobi abro do played an important part in this consideration. I am still happy today that this helped the former friend of Dr. Higher, Dr. Jacobi to spare him this sorry it to of an imagrant. We was given a very nice office in the lest of London where he was established in . fane house, also in the lest london.

- 1. Did Dr. Ilgner do even dore for Dr. Jacobi when the 1 ther went to London?
- A. Yes. Dr. Higher introduced Dr. Jacobi as a man enjoying his confidence to the English bunkers, Ithough Dr. Jacobi previously had not been informed bout the internal afficies of the Central Finance administration and nevertheless, because he has at lest formally introduced as a interining the increase of the Central Finance, he has given a retainer. The purpose of this has to secure and to improve his financial position.

On. Jucobi further states in his affidavit that Dr. Ilgner, in the swarer of 1935, after Ilgner's return from the Far East, had told him about his, Illner's idea that the Farben confidential agents be appointed as secret agents. He says, furthermore, that in the commercial committee meetings in which he participated, objections were raised against this procedure. Since you were the reporter in the meetings at the commercial countities, you probably remember the objections and Mr. Jacob's presence in this meeting.

do says that until the 31 of august 1935 he was with Farben and that he then went to England. I think I'd be very much mistaken if Jacobi had ever returned after August '35 to Germany. At any rate, I met him very often until the outbreak of the war, but only in London. I have already stated in writing and orally in this place that the institution of the Farben biaison men was discussed for the first time in the meeting of the new commercial committee on the 20 of august 1937, and that it was unanimously approved. Basic objections were not made of which Mr. Jacobi speaks here. As I have said, in this and later meetings of the correctal committee, Mr. Jacobi could not have possibly participated. Mr. Jacobi must have made some sort of mistake. Maybe he read something in the propaganda books against Farben and it confused his knowledge of former years with his present knowledge. I don't know how it could have happened any other way.

U Br. Frank-Points, I want to revert once more to the raw natorials credit that you mentioned initially, the credit which rarben took up with a large bank in England. How high was this credit?

A As it was taken up first, it was one million Pounds, and we then increased it—or it is better to say that we had it increased— to about one and—half to two million Pounds. When the war broke out, we had used up this credit to the amount of 700 thousand Pounds.

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The Prosecution says, in point 49 of the indictment, that upon the request of the Reichsbank and other official agencies, Farben used their position in the international market to take out credits in foreign currencies. How can it be explained that Farben used this raw materials credit during the critical period only to one-half of its appropriate amount?

A The reason for this is as follows: when Hitler marched into Prague, we considered this a danger and a risk turn of his foreign policy that we considered it a violation of the Eunich Pact. I was in London shortly fater the invasion of the remainder of Czecheslovekiaor perhaps even during that time I was in Lendon. I suggested to the London bank which had made this credit large available that they should withdraw their credit from us on the basis of the political situation. The basic motive when I made this suggestion was to show to the German authorities that they could not go on like that. The British bank considered that sug estion proper, but they didn't want to withdraw their credit officially. They were of the opinion that perhaps the situation might calm down again, for to take up a new . credit which has once been revoked and to arrange for a new appropriation seemed too damaging for their own interests and also for their client, Farben. As a result, we agreed that I should merely come back from London with the request from the bank that hadappropriated this credit for us that the credit should be temperarily reduced in view of the tenso situation, I made uso of this fact because I immediately approached the "cichsbank and told the business manager of the Reichsbank, Mr. Puhl about this -- very amphatically told ham--and asked him to point out this decrease in the credit to all important agencies in order to give the reasonable Garman politicians one more argument that they might use in objecting to hitler's relentless politics.

Q If I understood you correctly, you used this fact in order to give a warning to Hitler's Government.

A Yes.

- 1) Do you remember any other warnings of a similar nature?
- The se-called new random about the Kiel Week in 1939.
- The Frank-Fahle, the Prosecution submitted this particular report about the event of the Kiel Well 1939 to show to what extent and how Nazi propaganda and Mazi espienage had gone. This is Prosecution Document 326, Exhibit 779, in Book blo, on Page 59 of the English and Page 74 of the Garman. Dr. Frank-Fahle, you have seen both excerpts that the Prosecution has submitted from this memorandum. You have it before you. Would you please comment on it?
- A The aim of the event of the Kiel Week 1939 and also in 1938 was to be exchange of economic ideas and problems:
- Q I want to interrupt you briefly. You said that these were to be economic talks. The Prosecution says, on page 61 of their trial brief, that it was to be a conference on German foreign policy. Could you explain that?
- proviously. But it wasn't provided by us because in view of the very critical situation it developed into a discussion of politics. The people who came from London, from France, and so on, were so concerned about the future that the concern and the worry about the developments evershadowed our economic discussions which we intended. The basic tone of all discussions, especially in the discussions between the French and English, was that any further high-hunded foreign political step of hitler's which was not undertaken in agreement with England or France would mean war. I believe I do not have to reiterate that we in Farben—I believe especially those people in the dock and equally any other sambor down to the smallest salosman was opposed to any war in any form whatever; for quite apart from its result, it meant a

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Serious blow to the world market and to the international business of Farben. A;; of us had seen the destruction of world business as a result of the First World War. We had quite enough of it. Therefore we with our weak power tried to influence the course so that it would not come to a war. We had to find the proper form in which we might address this repeated and this new warning to the Government and to the Party.

- Q How was this done?
- A We thought about it and we decided to draw up a memorandum about the international moeting of the hiel book. In this memorandum, this warming was to be expressed quite clearly. If one made such criticism at all of Hitler's politics in those times, and if one dared to show such criticism to Party agencies, one, of course, had to sweeten this bitter pill schembat, and as a result a lot ornamentation was used. The warming, however, was contained in the introduction on Page 3. The memorandum was nanded to the ministries by the then President of the feich Economic Chamber, Pietsch, to the competent Party authorities.
- Q The Presecution quotes on Page of of the trial brief that I have mentioned already the report about the Kiel Week of 1939. In this quoted passage, the occupation of the remainder of Czechoslovakia is discussed. Can you comment on that?
- A Various conclusions can be drawn from this quotation amongst others: that it was very difficult for Germany's friends, if not at all impossible, to find excuses for Hitler's methods. But I already said that it isn't very easy to criticize a dictatorship, and we did it in this cautious way. It seemed to us more important to do something than to furnish alleged material if we had them for an indictment at a later time.
- Q Dr. Frank-Fahle, you have repeatedly stated that you and your colleagues warned against the continuation of Hitler's foreign policy in the form in which it was possible in those times. Did you know at that time that Hitler was planning wars of aggression and wanted to carry them out?

a ho, I have already stated once before that I personally expected anything from Mittler, but I didn't think he'd be stupid enough to un leash a world war. But what we or all of us feared—that is, an aggressive foreign policy, and his pathological relemtlessness which would some day lead to war.

of Mr. President, I have reached a cortain chapter and I want to ask you if this would be a proper time to take the recess?

THE INTESTMENT: We shall rise to take our recess.

(A recess was taken.)

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THE MURSHAL: The Tribunal is again in session.

- Q. (By Dr. Bachem) Dr. Frank-Fahle, in order to clarify one point, I should like to put a concluding question to you with reference to what we discussed before. When did these warnings take place, which we discussed before?
- A. Those warnings were given after "itler's march into Frague, that is to say, after April or May, 1939. I think it was April.
- Q. I am now turning to another point. Do you know the Chamnico-Naw York?
  - A. Yes.
  - Q. How do you know it?
- A. From 1929, on I was an officer of the Chamnico, the Vice-President of the American I.G., Dr. Greif, formed Chemnico. Consequently, I know something about how it was formed.
- Q. Could you please describe to us how it was formed, in a few words.
- A. Farben had current negotiations in the United States with reference to patents in collaboration with chemical industries in the United States and wanted to abide by the law absolutely. Since I. G. Chemical Corporation was a pure holding company it was not intended that they do work which was not in line with their statutes'. Consequently, Dr. Graif suggested the foundation of a special company. Only now, while I was waiting to enter the witness stand, I read the contract between Chemnico and Farben. However, I was present at the time when a number of gentlemen endeavored to clarify the manner in which Farben was to be represented in New York. I can see that the contract comprises exhaustively every detail, so that one sees that it was drawn up with great care.
- Q. This contract is Prosecution Document NI-7581, Exhibit 872, in Document Book 47, English page 92, German page 168. Dr. Frank-Fahle, on page 63 of the Trial Brief, the prosecution makes statements to the effect that Farben was carrying on espionage work in the United States

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through Chammico. Can you say something about that?

- A. I did not observe any espionage work, unless the activities of transmitting of information such as bank reports, newspaper reports, etc., are considered as espionage work. I read are port here which was drafted by the Chief of Counsel of War Crimes, War Economics Group, "ar Department. It says there, "It becomes apparent from the files of Chimnico that this company endeavored, within the frame of the successful execution of their task, to abide by our legal directives."
- C. One minute, please. This is Prosecution Document NI-10577.

  Exhibit 875, Document Book 47, English page 103, Gorman page 181. Let me correct semething: This is a report by the Popartment of Justice.

  Would you please continue?
  - A. Thore is nothing more I can say.
- ectivity, Prosecution submitted enother document, NI-5760, Exhibit 852, Document Book 47, English page 9, Gorman page 28. These are minutes of a mail conference of Berlin NW-7 of the 24th of January, 1939, and under paragraph 2, the so-called orientation visits at the Departments of Berlin NW-7, are discussed. Among other matters, it is stated here that such orientation visits were made by gentlemen from the authorities, foreign organization, etc., who wanted to obtain information about a certain country from VOWI before travelling abroad. Would you please be good enough to state your position, since you were present at the time?
- material at their disposal concerning various foreign countries. When a member of the Foreign Office was appointed as an economic attache of enother country, he approached the Farben industry, whenever he had time, in order to be introduced to the representatives of Farben abread. For justifiable business reasons, Farben considered it important to get to know these gentlemen and to discuss with them the problems prevailing

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in those countries, since then further collaboration would become simpler, when new trade agreements were concluded for instance. Naturally, these gentlemen of the Foreign Office now and again, if they had not visited the countries before, asked to be informed by Vowi about the economic structure of the country, as far as Vowi was informed.

22 March-A-MJ-23-1-Sampson (Ranler) Court 6, Case 6 A. (Continued) That always proved to be a success, and the persound contact which was established was useful for both parties, espocially for us in the oconomic field. How desirable it was to have contact with the gentlemen from the embassy can be seen from the fact that the sales combines asked to be represented by one of their people during such visits in order that they might state their requests directly. I don't romambur a representative of the AC having been in NW-7; it may be that at a later date during the wer when the functions of diplocatic representatives coincided in part with those of the organization of the AO, that one of these gentlemen may have come from the AO; however, I don't remember any such instance. Q. Pr. Frank Fahlo, another document of the Presecution, NI-5732, Exhibit 900, Book 49, English page 8, Corman page 16; is a record of another mail conference of MA-7 of the 15th of October, 1937, which was signed by you at the time. In these minutes a trip of Dr. Meubacher to Czoch slovalna is mentioned. Could you please tell me something about that? A. Ir. Houbacher had fust been simpl god with Farben some weeks before that, and I know that because of some political difficulties he had become undesirable in Austria. G. Was Dr. Houbacher at that time already a prominent member of the Hational Socialist Party? A. Hot yot. At the time, if he had been, he wouldn't have been appointed to a relatively insignificant position with Farbon. Q. Did you and the other gentleson and particularly Dr. Ilgner, know already then that Dr. Heubacher was intended for a prominent position in Austria later? A. No, we didn't know that. As far as I remember, he wasn't osteemed very highly by the AO. Q. The Prosecution assumes that with respect to this planned trip 9812

of Dr. Heubschurts to Czecheslovakia sawething secret was intended and the Presecution comments this trip with the occupation of Czecheslova-kia which followed a year and a half later. That can you say about that?

- A. I had relatively litted to do with with southeastern Europe.

  Dr. Howbacker's trip was suggested then Dr. Tigner and Dr. Krueger were
  not present; since Dr. Koubacker hardly linear Farben, I feared that during
  such a trip into Czechoslavakia as a Farben representative, he would
  not propertly be able to ded with the Farben representative, there. I
  wasn't sure what aims he was to pursue; that is why I asked that he
  receive orders from Dr. Krueger and Dr. Tigner, and only then depart.

  As for as I remained, he was to carry out agricultural investigations
  in Czechoslava'nia. I am only superficially informed about that because
  I didn't deal with it.
- Q. Dr. Frank Fable, were the difficulties you feared which you discussed just any of a p livical nature?
- A. No, I worely said that if a man who was only shortly employed with Porbon travels abroad, it is not quite right procedure; he should only travel abroad having received knowledge about Farben. In view of the criticism to which Berlin MI-7 was subjected by the Sales Combine in Frankfurt and by the foreign representatives, to the effect that we sent new people abroad who didn't know their business, we feered above all, that he would cause unrest with the Farben representatives in Czechoskovalia.
  - Q. In other words, you feered internal disficulties in Farben.
- A. Yos. Apart from that I didn't know enough about the whole affair. Since Ilgner and Krueger had given him his program, they were to undertake the responsibility for the trip. As far as I was concerned he was morely a man who was expelled from Austria, a neighboring state of Czecheslovakia. In Czecheslovakia it was know that he had been expelled and I feared that the Farben prestige might suffer.

A The Lich Chamber of Co merce, which had contact with the Foreign Chamber of Cornerce, had asked us whether we could name an assistant for the Chamber of Commerce in Man York. In Dismarck, who was personally very pleasant, but not particularly intelligent and capable, was not very successful with Farben, and apart from that he longed to go back to New York, so we suggested Eismarck. In other words, we praised him in order to get rid of him.

Q Did Parbon, by sending this man to How York, have the intention to increase their incluence on the Chamber of Commorce in New York, or

in any way with the Chamber of Commerce?

- A. No. I think it is self explanatory after what I have told you about him.
- Q. From the first minutes I think it can be seen that you Bismarck was only on leave from Farbon and that he apparently continued to receive his salary from Farbon. Can you tell why that was done?
- A. I can't remember it, but I can well imagine that we wanted to help him, and we at least wanted to pay him his salary for sometime, in o order to help him.
- Q. The second minutes dealt with the sum of 15 thousand marks which lir. von Bismarck collected. I don't quite understand that. Would you please clarify that?
- A. If I remember correctly, I den't think this was a sum which had any connection with Farbon but Mr. von Bismarck had received the order from the business manager of the Chamber of Commerce in New York to recruit new members for the American-Gurman Board of Trade in Gormany, and for that purpose he was to collect 20 thousand marks. I think he only managed to collect 15,000 marks. I remember that afterwards when he was in New York, he wrote now and again to his friends in Gormany that he was suffering from his type of activity because he had to recruit members and collect does from them.
- Q. During his activity in New York, did Nr. von Bismarck have any business contact with Farben apart from receiving his salary from Farben?
  - A. No, I didn't hear of any.
- Q. Finally, I have a few questions which are in connection with Norway. Dr. Frank Fahle, did you know the leading gentlemen of the Norsk Hydro, particularly Mr. Aubert and Mr. Eriksen?
  - A. Yos, very well.
  - Q. How did you know these gentlemen?
- A. I made the acquaintance of these gentlemen during the first convention of the International Nitrogen Conference at Ostende in the year 1931, which I have mentioned before. As a consequence of our suggestion,

the international Mitrogen Association in London and a similar one was later directors on the board founded in (sle. Fr. Erikson and I were of these companies and for that reason alone we often met.

- Q. From your own knowledge can you tell me what the relations of the Farben gentlemen, generally, and Dr. Ilgner in particular was to the gentlemen of Hersk Hydro?
- A. The relationship was very friendly. Dr. Ilgner cultivated relationships with elderly gentlemen of these companies in order to increase his experience. He had a very sincere friendship with Mr. Aubert. and he was a friend also of Mr. Eriksen. The relationship between Mersk Mydre and Farben was very friendly and positive in every way.
- Q. Did this relationship change after Herway was occupied by German treeps:
- A. No, I may say purhaps that in addition Farbon felt obliged to intervene in favor of their old friends.

- Ward you personally called in on the negotiations with respect to Nordisk Lettmetall?
  - A No, but I was generally informed.
- C Did you gain the impression that pressure was exerted on Norsk Hydro by Farben in connection with the Lettmetall question?
- A No. I already said that it was my opinion that the gentlemen of Norsk Hydro were treated in an amiable and friendly manner.
  - & Wars you yourself ever in Norway during the war?
  - A Yes, I was there in September or Cotober 1943.
- G For what reason did you go and with whom did you negotiate?
- . In summer 1943, as a result of an air attack, the nowly constructed plant of Nordisk Lettmetall in Heroen was destroyed. If I remember correctly, the Norsk Hydro was greatly concerned about the financial lesses which resulted. In addition, Mr. Eriksen, as a former reserve officer of the Morwagian Army, strangely enough was arrested and sent to an internment camp in Germany. That meant that Hersen was destroyed and the general manager was arrested. Mr. Aubert turned to Geheimrat Schmitz and Mr. Oster and, I believe he also approached Dr. Ilgner, and asked that one of these three gentlemen should come to Norway as quickly as possible in order to discuss these worries which had started. These gentlemen couldn't leave immediately and it was my intention to fly to Finland with Mr. Haefliger with respect to the Petsamo matter, and we arranged to go to Oslo first on our way to Finland. In Oslo we visited all the responsible agencies of the German occupation authorities there in order to try to affect the release of Mr. Erikson. We established contact

with Norsk Hydro and Aubert. We listened to their requests and then transmitted them to Berlin to the gentlemen I mentioned before. I think I already mentioned that we unfortunately didn't succeed in the case of Erikson. We were referred from one agency to another. At the end we were told that Norway was no longer responsible for his release but that there were some agencies in Germany we would have to visit. After my return from Scandinavia upon the request of Ilgner and Oster, I immediately made my way under great difficulty to the internment camp where Brikson was. I remember specifically that I was the first person who visited these poor internecs.

- C What was Mr. -rikson's reaction to your visit?
- A Very nice. He was housed in some big hostel. He was led outside into the read. He immediately fell around my neck and he was extremely happy to be able to see the first man who came from the outside world.
- C. Dr. Frank-Fable, do you know whather any further steps were undertaken at a later date in order to affect a release of Mr. Eriksen?
- A Dr. Ilgner endeavored incossantly but he had no success. In the same way as Mr. Oster, he visited Mr. Eriksen under the most difficult circumstances at his internment camp.
- L I should now like to put a final question to you,
  Dr. Frank-Fahle. The prosecution witness Diels stated in his
  affidavit, NI 11957, -exhibit 1761, Document Book 82, English
  page 46, German page 47, that Dr. Ilgner was one of the three
  main heads of Farben. Since you yourself can overlook the
  entire field of work of Mr. Ilgner, I must ask you what you
  can say about that?

A What is it you want me to say? Up to the year of 9818

1938, Dr. Ilgner was only a deputy member of the Vorstand.

I don't know how many regular vorstand members outranked him.

Apart from that, it is known that the department which was under Mr. Ilgner's charge merely exercised auxiliary functions in Farben. I assume that Dr. Diels, who probably doesn't know the entire structure of Farben, only mentioned a few names which were known to him and among those names was Dr. Ilgner's who, on the basis of his frequent lectures on export, industrialization measures, etc., was well known in Berlin and often came into public eye, Kiel Week, etc. That is probably how this impression arose with Dr. Diels which is not in accordance with the facts.

Q Dr. Frank-Fahle, was there any rank, any position in Farbon called Hauptleiter, Main Leader?

A No.

DR. BACHEM: Thank you very much. That is the end of my examination.

THE PRESIDENT: Is there any further examination from defense counsel?

BY DR. VON KELLER (Defense Counsel for the defendant von Schnitzler):

C. Witness, a brief question.

on page 100 of their Trial Brief the prosecution writes that "In July 1939, the defendant von Schnitzler, as was his habit every month, had a discussion in Berlin with Ungewitter." The prosecution terms Mr. Ungewitter as Reich Commissar for Chemistry. "Ungewitter told von Schnitzler that Hitler had decided to invade Poland." The Prosecution then continues to say: "During the same month, that is to say, July 1939, when Schnitzler was informed about Hitler's intention with reference to Poland, von Schnitzler visited in Kiel a meeting

of prominent foreign business men where Farben played the role of the host."

I don't want to deal with the question here as to whether the presecution has correctly repeated Dr. Ungowitter's position and whether his utterances were actually as they mentioned it here. I only wanted to know whether von Schnitzler, in July 1939, attended this Kiel Wock?

A As far as I remember, and I don't believe my memory fails me, Mr. von Schnitzler did not attend the Kiel Week in 1939. The meeting was in June, by the way. I just looked through the memorandum and I found out that it was June. I must say that, had Mr. von Schnitzler attended that meeting, one of the foreign guests would certainly have addressed one letter to Mr. von Schnitzler. At any rate, I don't remember that he was there.

Q For purposes of clarification, let me ask you this, did the Kiel Week start in June, the sixth month?

A Yes, that's so.

DR. VON KELLER: I have no further questions, your Honor.

THE PRESIDENT: Anything clsc, gontlemen of the defense? Then the prosecution may cross examine the witness.

#### CROSS EXAMINATION

## BY MRS. KAUFMANN:

Intelligence Department of the CKW well?

A I knew Major Bloh, yes.

Did you also know his superior, Colonel Pickenbrock pretty well?

A Yas.

DR. BACHEN: Your Honor, I believe that these questions

beyond the scope of my examination and I therefore object.

MRS. KAUFMANN: I believe those questions go to the credibility of the witness, Your Honor.

THE PRESIDENT: The Tribunal will overrule the objection on the sole ground that these are the first two questions that have been asked and they may be preliminary. However, unless there is some connection subsequently with the testimony of the witness, standing alone, the questions would not be proper.

### BY MRS. KAUFMANN:

- Q It it not a fact that you had Major Bloch request you for his department after you were drafted into the Army in 1939?
- A On the 1st of August 1939, I was drafted into the Mchrmacht as a captain. I went through the war, up to February 1940, holding that rank and in January 1940 I was assigned to Major Bloch's department of the OKW. That was after my friend, colonel pickenbrock, found out that Farben, already since the end of December 1939 had made an application according to which I was to be released from military service.
- assignment to Major Bloch's department?
  - A Pardon ma?
- La jid you return to Farbon shortly after your masignment to Major Bloch's department?
- I.G. that I should be released from military service was Funted in February 1940. I returned to my regiment, which was on the Luxembourg border, reported, was told that I had been released, and then returned to Farben.

JUDGE MCRRIS: May I inquire of counsel?

THE WITNESS: I have told this in long statements that are here since the past three years.

THE PRESIDENT: Just a moment, counsel.

JUDGE MORRIS: Are you still attacking the credibility of this witness? Is that the purpose of these questions?

MRS. KAUFMANN: If Your Honor plaase, I do not intend to pursue this line of questioning further. I have completed my questions and my intention was to show part of the picture of the witness's relation to NW-7.

JUDGE MCRRIS: On the theory that that affected the truthfulness or the weight to be given to his testimony?

MRS. KAUFMANN: That is correct.

JUDGE MORRIS: Of course you realize that an attack on his credibility goes to the credibility of all his testimony and this witness has testified extensively for the prosecution through affidavits.

HRS. KAUFHANN: I believe the prosecution has taken the position with respect to witnesses called by the prosecution, particularly those witnesses who have established themselves as hostile witnesses to the prosecution, and I do not believe that the prosecution intended to be bound by ——

HR. ALCHAN: If your Honors please, we do not understand the rule to be, in a case of this sort, where witnesses are offered for one purpose by the presecution, and we have indicated that the witnesses are officials of Farbon whom we necessarily have to call, and in cases where the witness is offered by a defendant and we undertake to cross-examine him as to the scope of his testimony that in the event we undertake to interrogate a defense witness as to his credibility we thereby also attack his credibility for the purposes for which we have offered him as our witness.

THE PRESIDENT: Well counsel, this is one man. He has testified as a witness for both sides. If you case doubt on his credibility you have east doubt on his credibility as a witness for yourself as well as for the defense.

HR. ANCHAN: Without arguing the point then let us say that the letter questions just put to the witness are then not for the purpose of attacking his credibility.

THE PRESIDENT: Then on the notion made by the defense the testimony referred to by the presecution is now stricken from the record and will not be considered by the Tribunal.

#### BY IRS. KAUFILIM:

- Q. You have testified that the purpose of the Kieler Woche conferences of 1939, which is Prosecution's Exhibit 779, was to discuss conomic problems. Is that correct, witness?
- A. I repeat. It is correct that the purpose of the Kieler Woche 1939 was to continue our ideas which we already had carried through in 1938 in other words to keep in close contact between some of our business friends of the different European countries, and to continue

to exchange our ideas about the economic cooperation in Europe and in the Western civilization.

- Q. Is it not a fact that you attended preliminary conferences with the High Command of the Navy and other government agencies for the purpose of clarification of the political questions which would be discussed by the foreigners at this conference?
- A. May I ask you, Mrs. Kaufmann, to tell me where these discussions should have taken place? I remember that we had discussions about the question of currency matters in the Reichsbank. It might be that one of the employees of NW-7 had discussions with the Navy about visiting and having to arrange a luncheon on one of the ships at the conclusion of the Kieler Woche.
  - Q. Do you recall the ---
- A. But I'd like to ask you pardon se I don't recollect any discussions with the Havy about any political questions and I repeat that it might be that one of the employees of the so-called Auslands Club or of the I.G. has made arrangements for a luncheon on the Aviso Grille which was the boat on thich, I believe, Admiral Raeder participated on the final day of the Kiel Yachting Regatta. I don't know whether this is the explanation you mean.
- Q. I am going to read from the memorandum of Pietsch concerning the Kieler Woche program and ask you if that refreshes your recollections concerning the question I put to you.

THE PRESIDENT: Counsel, would you please identify that as an exhibit so we have it in the record.

ARS. KAUFHANN: Yes, that is Prosecution's Exhibit 779. This is a report about the preparation work and the execution of the Kieler Moche program and in connection with the preparations it is stated here on page 66 of Prosecution's Book 44: "The German economists, as in the previous year, were invited to a meeting for the internal clarification of those political and economic questions which probably would be presented by the foreigners in the first instance. In this discussion which took place on

20 June, the various questions which could be important in a conversation with foreigners were discussed. In the main it was agreed that the center of the interests of the foreigners would, as far as it can be assumed, not be the economic but the important questions of foreign policy, and thus it was regarded as necessary to have, especially in this connection, convincing explanations and arguments at hand. Thus, to the question of the protectorate it was, among other things, established that Germany did not only permit a cultural and economic sovereignty of the protectorate but even desired it. Do you recall now these preliminary conferences concerning the Kieler Toche?

- A. I recall preliminary talks but I mean I am boking where the Navy comes in and the warships. I thought —
- Q. At the first part of this comment which I read to you you will find statements that this program was discussed with the high command of the Navy and other government officials. However my question to you is, do you recall these conferences?
- A. Pardon me, I have it here in German. I am sorry I have only the German copy.

THE PRESIDENT: Would you, counsel, and witness alike, please slow down a bit so that the translation has an opportunity to get to us before you ask a question or undertake to ensuer one.

A. May I answer. It reads clearly first, there were discussions with the city — this means the city — and the Chamber of Commerce in Hamburg. There is a meeting started in Hamburg with the Marine Oberkommando. This means the command of the Mavy, and with the management of the yachting arrangement of Kiel a program was worked out. I don't see — I think my complanation which I gave before is absolutely in agreement with these remarks. That it was the arrangement because a Navy is, I believe in all countries, very much interested in yachting. This is everywhere because they love the sport and therefore the Navy was always a very important part of this sporting event — what we call the yachting week in Kiel — and our employees who arranged it had to discuss the details with the Navy.

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Q. I have no further questions, Your Honors.

THE PRESIDENT: Now is counsel through with this witness? If not, so indicate. There being no further request for the interpogation of the witness, you are excused.

DR. NATH: Your Honors, I can now turning to the presentation of my documents. As I have just heard the originals of these documents are not available here at the moment. By colleague, Dr. Bachem, has just left in order to get them here. I think that we can start anyway.

THE PRESIDENT: Well, on your assurance, Doctor, that they will be brought, you may go along.

DR. HATH: In order to simplify matters for the Tribunal, I have compiled a survey of all the subjects to be dealt with in the document books. I assume that this little survey booklet is available to the Tribunal in the English tout. It's a very thin volume.

THE PRESIDENT: Does it have a book number, Doctor?

DR. HATH: No, it is merely a compilation concerning the contents of all the ten document books so that the Tribunal may find its way through them. But we really don't need it very badly. I think we will go from one book to another.

THE FRESIDENT: I just discovered that I have some German books here that you may need for some other purpose and I will return them to you. You may go shead.

DR. NATH: At first I should like to take up Document Book Number 1.

I shall now offer Ilgner Document Number 4 as the first document. This is an affidavit of my client containing his curriculum vitae and a report of his activities up to the year 1933. This will become Ilgner Exhibit Number 1. In this connection lot me point out that three documents of Dr. Ilgner were already offered for purposes of identification during the trial which received exhibit numbers one to three. At the right time I shall refer to these documents.

THE PRESIDENT: Then perhaps to keep the record straight should you not number this number 4 because I suspect that already in the Secretary General's office you have some documents, even though marked for

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identification only, as Ilgner 1, 2, and 3.

DR. NATH: I agree, your Honor. I think the first document could well be given Exhibit Number 4.

THE FRESIDENT: Yes, I think that would be better.

DR. NATH: The three following documents deal mainly with the social and political attitude of Dr. Higher. The next document will be a collective affidavit of former employees of Farber, and I ask you to accept it as Higher Exhibit 5. The next document is an affidavit of the prokurist Erich Hueller, who, from the time of 1934 to 1945, was active with the Hipo. This will receive Exhibit Humber 6. The next document, your Honors, is an affidavit of Edward Schwermann, section head of the administrative section of Farber Berlin FI-7. This affidavit also deals with Dr. Higher's attitude towards social welfare questions and his reaction to requests by the Party.

Now follows Ilgner Document No. 8. This is an affidavit of Fraulein Lotte Daehne, who from 1937 to 1945 was Dr. Ilgner's secretary and who is acquainted with Dr. Ilgner's public functions and his duty in the Party. This will become Ilgner Exhibit No. 8.

The next page of the index lists Ilgner Document No. 9. That is an affidavit of Guenther Schiller, assistant of Dr. Ilgner from 1929 to 1936. This affidavit deals with the Rotary Club and disproves the Prosecution's assertion with respect to the date of Dr. Ilgner's entry into the Rotary Club. This only occurred after the National Socialists assumed power. This document will become Ilgner Exhibit No. 9.

Concerning the same subject, I submit the affidavit of Thilo Freiherr von Wilmowsky which is Ilgner document 10 and will receive Exhibit No. 10.

Finally, the affidavit of the former Reichminister Heinrich F.

Albert, retired, who was a member of the Rotary Club and who know from
his own knowledge that the club accepted Dr. Ilgner on the 18th of
December 1933. This will receive Elgner exhibit No. 11.

Hext is an affidavit of retired General Rudolf Huenermann who speaks on the question and significance of a Wehrwirtschaftsfuehrer (Filitary Economy Leader. This will receive exhibit No. 12.

If you will please turn to the next page of the index, the next four documents deal in particular with the attitude of Dr. Higner with respect to International economic cooperation. This is the affidavit of the Reich Economy Minister and Reich Bank President, retired, Dr. Hjalmar Schacht. It will receive exhibit No. 13.

There now follows, with respect to the same subject, an affidavit of Reich Chancellor, retired, Franz von Papen. This Ilgner Document 14. It will receive exhibit No. 14.

IR. ALDYAN: With respect to Exhibit No. 12, an affidavit of Rudolf Huenermann, wherein he just incorporates some statements of General Thomas, now deceased, we object to that on the ground it is incompetent and in effect notes of a deceased affiant.

DR. NATH: Mr. President, the affiant in his affidavit has identified the statement made by Mr. Thomas who is deceased. He certified to these state ments a s being correct and made them part of his own statements. I don't think an objection to that affidavit should be voiced.

THE FRESIDENT: Were these written or published statements or oral statements made by General Thomas?

DE. MATH: Mr. President, General Thomas, while he was ill in some hospital, made a written statement on this subject. This statement was submitted to his associate, Mr. Huenermann, who is the affiant. Mr. Huenermann confirms that what the deceased Thomas said in writing in the hospital is actually correct in relation to the subject. Wehrwirtschaftsfuehrer.

Let me draw the attention of the Tribunal to the last page.

The witness says: "In supplementation and summary of the above statemonts taken from the written declaration of General Thomas, I should
like to state," et cetera.

THE PRESIDENT: Can you tell us now, counsel, whether or not the Prosecution offered some statements of General Thomas! in evidence? It has been mentioned so many times I am just not clear as to whether or not any statements purported to have been made by General Thomas are in evidence in this case. Are you in a position to say?

DR. NATH: Your Honor, from memory I can't tell you. I think
I do remember that the Prosecution has submitted documents as to
General Thomas! statements he made. I can't tell you offhand but I
could tell you tomorrow.

THE FRESIDENT: Perhaps, the Prosecution can tell us. They perhaps have a better memory.

IR. ALCHAN: We do recall having put in a public statement of General Thomas:. We do recall that.

THE PRESIDENT: In that view of the case the Tribunal will overrule the objection on the theory that this statement of General Thomas! may have some bearing or relationship to the evidence of the Prosecution coming from General Thomas.

You may proceed.

DR. NATH: I was dealing with the subject of Ilgner's cooperation with other leading economic circles of foreign countries. In that connection, I should like to offer Ilgner Document 15, which will receive exhibit number 15. This is an affidavit of Ernst Freiherr von Weizsaecker, former State Secretary of the Foreign Office. He speaks about Dr. Ilgner's appearance in Sweden.

I shall now turn to an affidavit of Erbprinz Gottfried zu Hohenlohe-Langenburg who is a cousin of His Majestic, the King of England, and P rincess Margarita zu Hohenlehe-Langenburg. That is Elgner Document 16 and will receive exhibit number 16. I should like to quote page 59 of this document:

"Dr. Ilgner here always dismissed the idea that it might come to
wa r as being absolutely absurd. He declared that Germany and the
Gorman economy was only interested in peaceful development and that,
according to the information he received there, there was no need to
count on the possibility of a warlike development."

I should like to point out that this Dr. Ilgner's visit to the prince took place from 29th of July to the 2nd of August 1939.

The next document which I am going to submit is Ilgner Document

17. This is an affidavit of Freiherr von Wilmowsky who stated that Dr.

Ilgner did not share the Mazi principles with respect to a superior race.

The Mazi attitude with respect to the church and the treatment of the

Jows and foreigners and that, on the contrary, he rejected them strongly.

This docume t will receive exhibit number 17.

The next document, Ilgner No. 18, is an affidavit of retired Ambassador Karl Ritter. In this connection I refer to paragraphs 2 to 7 of the affidavit. This document will receive exhibit number 18.

The next document, Ilgner number 19, is an affidavit of Dr. Willibaldo Passarge. The witness gives an exhaustive exposition of the 22 Mar 48-A-FjC-26-4-Primeau (Ramler) Court VI Case VI

international tendencies of Dr. Ilgner, in particular in relation to France, he says, and I quote:

"During my life I became acquainted with but fow people who pledged themselves and their activity which such passion to mutual understanding and the preservation of poace as Dr. Ilguer did."

This will become Exhibit No. 19.

The next Decement will be Ilgner No. 20. This is an affidavit of Dr. Johannes Conrad Dichenauer. He speaks ab ut the way Ilgner was judged politically by the Party. Will be Exhibit 20. The following 12 documents show Ilgner's extensive activities in assisting racial and political persecutees. They are largely affidavits which have been made by the people concerned themselves, - that is to say, the persecutees.

Ilgner Document 21 is the affidavit of the Swedish pastor, Birger Forell, which will receive  $\mathbb{E}_{\mathbf{x}}$  ibit No. 21.

Ilgner Document 22 deals with the same subject. It is an affidavit of Thile Freiherr von Wilmowsky. It mentions the assistance which Dr. Ilgner of ered the Ambassador Ulrich von Hessell, at great risk to is own life. This will receive Exhibit No. 22.

The next document, document No. 23, is an affidavit of Dr. Vollreth von Maltzan. This will receive Emilbit No. 23.

On the next page, Document No. 119 is an affidavit of TheodorHorn-bostl, Envoy Intraordinary and Minister Plenipotentiary (Retired) of Austria before the Anschluss. Dr. Ilmer protected him and employed him with the VOMI in spite of serious resistance by the Gestapo. This will be Exhibit 34.

We shall now turn to Ilgner Decument No. 24, and affidevit of Dr. Erich. Mueller, who states that Ilgner also helped Dutch, Morwegians and French in many coass, and did so to such an extent that he had difficulties, and that there were numerous so-called "Ilgner" cases in the Meich Ministery of Justice. This will become Exhibit 25.

The next decument will be Ilener Ho. 25, an affidavit of the Deputy Mayor George von BroichOppert. It concerns the same subject, and will receive Exhibit Ho. 26.

The next document will be Ilguer Document 26. This is an affidavit of Dr. Alfred Mueller. The document will receive Exhibit No. 27.

Would you now turn to the next page of the index? There you will find Ilgner D cument 20, an affidavit of the frau Erna Stefanie Petrich. It will receive Exhibit No. 28.

The next document will be Ilgner No. 28, an affidavit of Hans Juergen Fuhrmann. He was also on racial grounds persocuted, and Dr. Ilgner, in order to help him, employed him as an apprentice with a salary of 250 marks per month. This will receive Exhibit No. 29.

The next document, Ilgner Wo. 29, is an affiliavit of Doctor at Low.

Oskar Jaques. This will become Exhibit Wo. 30. The two last documents,

Ilgner Document 30, is an affidavit of Dr. Paul Lederer, Shanghai. I

quote: "Dr. Ilgner, wherever he could, did his best to help the politically and racially persecuted".

Your Honor, the last document is designated here erroneously as an affidavit. That is Document 31. This is a letter of the General Director of Moreklydre, Bjarne Briksen, dated the 12th of Movember, 1946. This letter deals with the same subject. However, it was not stated under eath by Mr. Briksen.

Your Honor, I should like to ask you to receive this document for the following reasons, although it does not beer the proper form, the Tribunal will recall that we made a request to go to Horway, and the Tribunal approved that trip. Up to this time we were not able to do that. We have tried to establish contact with Mrl Eriksen by writing to him. Mr. Erikson replied, but he told us that he has already made statements. to a representative of the Presecution, and he assumed, erroneously I think, that he doesn't have to make any further statements. We turned once more to Horwey, and we received the information that Dr. Iridsen is now on an coan liner making an overseas trip. In other words, we cannot rorch hii. Boyond that, our trip to Oslo, was difficult, because of lock of foreign exchange. The Military Government, unfortuentely did not approve that trip because we do not have foreign exchange, and then, through friends, we managed to get hold of foreign exchange, and we hope that it will still be possible for us to receive the necessary d cumentary cvidence. In view of this emergency state of affairs, I sh uld like to ask you to receive the document into evidence.

THE PRESIDENT: The first bridge to creas is the attitude of the

Prosecuti n. Is there any objection to this document?

MR. EXCHAI: Yes, we were ab ut to bject on the basis that it was, not an affidavit, but in view of what Counsel for the Defense has said, we would suggest it be marked for identification, and that subsequently if they get an efficient form, it will be perfectly all right, and we will withdraw any further objection.

THE PRESIDENT: It does look like somewhat of a hordship on the Defense, but ofter all we either must follow rules or have no rules. Under the circumstances, the Tribunal will assign No. 32 to the Defendant Ilgner's Decement 31. We will mark it as having been received for identification only, and, Counsel, if you can get a verification of this affidavit seme time before the close of your case, we will respen the matter of its admission.

You are correct in saying that the fact that this purparted witness may have made a statement to representatives of the Prosecuti a is no reason why he connect make a statement for you. That's about all I know we can do with this new. We will mark your fiver as Exhibit 32 for identification only.

IR. FAIR: This brings us to the conclusion of Document Book 1.

I should like to ask the Tribunal to take hold of Ilgner Document Book

In. 2. The first document deals with the organization under Dr. Ilgner's charge, Berlin EV 7, and its position within the entire structure of

Farbon. They also deal with Ilgner's position within Farbon. This is

Ilgner Document 32, which will receive Exhibit Mo. 33.

Furth rmore, I for Ilgner D cument 33. This is the affidavit of Dr. Guenther Frank-Fahle, the witness whem we have just seen here. It deals with the subject about which he was not heard by me during direct examination. It was the same subject as the previous affidavit, and it will receive Exhibit No. 34.

The following eleven d cuments dealwith the VOWI. I beg your parden. I made a mistake. The next document, Ilgner, 43, deals with the task of the Central Finance Administration, and is an effidavit

by the prokurist, Willi Helfort. It will receive Exhibit No. 35.

And now follow cloven decuments which does with the VCWI of
Berlin Farbon EM 7. Ilgner Document 49 is an excerpt from the minutes
of the working Committee meeting of the 13th of January, 1927. It bec mes apparent from these minutes that Geneinrat Besch, already in the
year of 1927 drews at entire to the meddesity for a detailed study of
commic cycles, and he was prompted to this action by the similar actions
of the big American concerns. That will receive Exhibit Me. 36.

The following document, Ilgner 34, is an affidavit by Dr. Reithinger, who was the Chief of the VCWI and in which he describes the history of the development of the VCWI department and its works. He points out in particular that the VCWI was shown to all interested parties at home and abroad without any reservation and that that was in accordance with an express directive by Mr. Ilgner. This will receive Exhibit Me. 37.

I should now like to ask you to turn to the next page of the index. I shall of an Ilgner Document 35. This is another affidavit of Dr. Anton Reithinger, in which he particularly deals with Prosecution Document HI 7672, Exhibit 877. The witness states that the Chemnyce, Hew York, continuous paper rejects, economic political literature, etc. to VCWI and that all of this was material which was accessible to every person in American public life.

I shall assign exhibit #0. 38 to that decument.

THE PRISITE: The Tribunal will now rise until 9 clock temperow marning.

(TRIBULAL IN II CESS USTIL 0900 H URS MARCE 23, 1948)

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23 March 46-c-GJ-1-1-Gaylord-(Ramler)-Court 6 case 6

> Official Transcript of Hilitary Tribunal VI, in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Muernberg, Gt many, on 23 Harch 1948, 0900 hours, Judgo Shake presiding.

THE MARSHEL: The Honorable, the Judges of Military Tribunal VX.

Military Tribunal VI is now in session. God save the United States of America and this noncrable Tribunal.

There will be order in the court.

THE IRSTERNE: You may report, Mr. Marshal.

THE HARDHEL: May it please Your Honors, all the defendants are present save the Jefendants Lautenschlapper and Haefliger due to illness; the defendants Oster and Gattineau excused.

THE PRESIDENT: Y u may proceed.

DM. NATE: (Counsel for the defendant Illinor): Your Henor, let me initially point cut to you that I found out that the index of my decument books contains a number of translation errors which somewhat distort the sense. I shall permit myself to submit a general correction of the translation of all document books afterwards.

We yesterlay stopped when dealing with Document Book II. Would you please het hold of Document Book II and turn to Page 2 of the index. The Tribunal will remember that I submitted documents yesterday concerning the VOwI. In this connection, a number of other documents are yet to be introduced. First, Ilener Document 36. This is an affidavit by Dr. Hens Richter, who was a member of the staff of the VOWI. This document will receive Exhibit No. 39.

The next document Ilener 37 is an accident by the Vienna Branch Office of the VOHI. The affidavit is by Professor Dr. Hermann Gross who deals with the reasons for the creation of the Vienna Branch Office of VOMI, and je points out the numerous scientific publication of the United States and Great British during the lears from 1927 to 1933 about the southeast European countries. This document, Your Honor, will receive Echibit No. 10.

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I shall turn now to the next page of the index where you will find the Ilgner Document 18. This is an affirmation by the retired envey, Karl Ritter. This was already submitted to the Tribunal in my document Book I where it received Exhibit No. 18 already. I submitted it again here because it fits into this context. It also deals with the tasks of the VOMI.

I should like to quote the first paragraph on Page 52 of that document: "If Farbon during the foreign exchange crisis of 1931 and 1932 did not suffer any foreign exchange losses, it is the merit of the rapid and officient observance of VOMI and the personal reports of Ilgner."

I should now, like to submit another afficient by Dr. Reithiquer, Ilgaer Decement 33. The afficient deals with the work of the VOMI for the ONV during the war. In this connection, he refutes a number of decements submitted by the Prescution. In particular, he points out that the se-called Standart-Karton of VOMI were completely unsuitable for air force purposes, and that they could not have formed the basis for any bombardment by the German air forces. This decement will receive Exhibit No. 51.

I shall now turn to the next page. This is Il ner Document 39, an afficurit of Dr. Rudelf Baier, who during the war was a member of the military economic staff of the ONG. he confirms the military conscription of the numbers of the VORT against which Farbon could not content because of existing regulations. he also confirms that other institutes and firms were asked to collaborate during the war. This document will receive Exhibit No. 42.

The next document, Your Honor, will be Ilgner, No. 40. This is a decree on compulsory information from the Reich Law Gazette. This document, Your Honor, is already in a vidence as Exhibit Ter Moer 76.

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THE LEASIDERAT: Perhaps since you have it in your book, Doctor, you had better also give it your own number and then it will be loss confusing to us. It will do no harm, the fact that it's an exhibit.

DR. MATH: One of my own numbers? Yes, very well. This document will receive Exhibit No. 43. I should like to point out that I included it into my document book merely for the sake of completion.

The next affidavit will be Ilgner No. 14. It is a statement of Dr. Anten Reithinger. He discusses the correspondence with General Gautier in Vienum which is discussed in several Presocution Exhibits. It will become Exhibit 14.

Ilement Decement 42 is an affidavit again of Dr. Anton Reithinger concerning compactions of VOMI with the national industrial conference board of New York. This will become Exhibit No. 45.

Inshall now turn to thenext page of the index. The two following documents deal with the economic political department, Borlin NW-7, called WIPC. First, we have Ilgner Document No. 50. These are excerpts from the working constittee of the 7 September 1932 in Halle. It becomes apparent in a these minutes that the WIPO was founded in 1932 and that it was directly subordinate to the central committee. This document will receive Exhibit No. 46.

The next document, Ilgner 46, is an affidavit of Dr. Jost Terhaar who describes the tasks of the TPO. This will become Exhibit 47.

There Document 75 will be the next document. It is an affidavit of Dr. Guenther Gurr. He was a prokurist in the Vermittlungsstelle-F. He testifies that between the Vermittlungsstellen-W and the WIPC there was practically no working connection. This will become Exhibit 48.

I am new turning to Ilgner Decument 40. This, Your Honor is an extract from the minutes of the 27th meeting of the working committee of 9 September 1927 establishing an information center for Farben.

This will become Exhibit No. 49.

The next decument, Your Hener, will be Ilgner No. 51. This is an affidavit of Mario Passarge, who was enief of the press department of Farben, Berlin NW-7, later called the information office-Nachrichtenstelle. Your Henor, I should like to forego one paragraph of this decument, and I ask you to strike it out. Would you please turn to Page 8h of the document book? On the first page, Page 8h, will you please strike the third paragraph which starts with the words: "The first press office of Farben..." and ends with the words,"...that was in 1935." I offer the rest of that affidavit and I shall give it Exhibit No. 50.

The last document in this book will be Ilgner Document 115. This is another affidevit of Mario Passarge in which he discusses the connections of Dr. Ilgner with the "Transozean." In view of the small participation of Farbon in "Transozean," he was an aufsichtsrat member, but he never concerned himself with that function. This document will become Exhibit 51.

This brings to to the end of my document book II. I should like to ask the Tribunal to take up document book No. III. This document book contains porely two documents. The first, Ilgner Document Wh; following this will be Ilgner Document No. Both documents contain two lists each of political scenemy reports published by the political economy department.

In my opening statement which the Tribunal may perhaps still remember, I said that I hoped to be able to submit the reports of VCHI. For technical reasons, I have to forego that intention, because in view of the extent of these papers it is impossible. In order to, however, give the Tribunal a picture of the work of these two departments. I have submitted the lists with these two documents which contains all the papers how in the archives of the I.O. Control Office at Bayer-Leverkusen and Frankfurt. If the Tribunal should desire to see some of these lists and have on hand some of the reports of these lists,

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they could be submitted in their original with the approval of the allied control authorities. The correctness of these lists has been confirmed by certification, and you will find that Mr. Peter Krommeller, on Page 1, made a statement to that effect. I shall, therefore, submit Ilgner Document by which will receive Exhibit No. 52 and Ilgner Document 15 which will receive Exhibit No. 53. This brings me to the end of Ilgner Document Book III.

In the following document book, Thener No. 4, the first comment, Ilgner No. 52, feels with the tasks and activity of the office of the commercial committee, BdKs. This is an affidavit of arthur Schoene. This document all receive Exhibit No. 54.

The 11 following documents deal with the organization and activity of the Firsen limits men. These are partly officially by Firsen limits on men the are still today active abroad. Let me add that they are not active as Firsen limits on men today, but they are still professionally octive abroad. The first document of this series is Higher Document 53, which was alread introduced by the Prosecution as Exhibit 362. It is in Book 14 and bears MI-4927. Since the Prosecution only submitted excerpts from that document, I, on my part, have also submitted and repeated some of the excerpts high are of interest to the Defense. These are excerpts from the minutes of the meeting of the communical committee on the 20 of august 1937 then the institution of the Firben limits on min that decided upon. I day repeat that this document has the Prosecution Addition.

362.

JUDGE . I. FIS: May I ask a quantion, dector? Have you submitted in your exhabit any more of the document than has submitted by the crosecution, or is it the same parts of the document?

D. LTM: These are the same parts of the document which I rejected here in order to complete the subject with which we are dealing, and in order that you get the proper connection.

JUDGE 130 MIS: Thank you.

DR. " TH: The same applies to the following document, Ilgner 54.

THE MISSIDENT: I am sorry, doctor, I do not believe you stated the exhibit number of your document 53. 'e will assume that is 55.

DR. I TH: Yes, Your Honor, I eg your perdon. It will become Exhibit No. 55. The same applies to the following document, Ilgner to 54. This is an excerpt from the minutes of the meeting of the commercial committee on the 10 of Beptember 1937 concerning meetings of Farben linkson men in foreign countries. This document was also submitted by the Prosecution

who gave it Exhibit 363. I shall assign to it the Exhibit No. 56.

The next document will be Ilgner Document No. 55. This is an effidivit of Justus Saxer, who was the head of the BdK . He discusses in detail to tasks and activities of the ARFI lisison asmend generally the tasks of Farben limison men. The difficult says that ZET limison men were alre dy appointed in 1931 and 1932 in various countries. He mentions some nexts in connection with Farben lilison men. The affirmt state the following -- I should like to quote from Fage 9, this is the first paragraph: "The : westion of membership in the NSD P played no part in the selection. On the contrary, it was known that some Farben lickson men, e.g. Hamars, Srazil; Fischer, Mexico; Passarge, Paris; Svenson, Goeteborg, were pronouncedly opposed to the Party and were criticized and attacked by it. Furthermore, only part of the Farben lisison men were German nationals. From the attached list, it can be seen that approximately 30 per cent of Farben liaison men and their deputies and assistants were foreigners: Of the 45 gentlemen listed, as far as I am informed, only 5 held in official position within the .. 0. -- foreign organizations -- that is to say, approximately 11 percent." This document, Your Homor, will receive Exhibit No. 57.

I shall now turn to the next page of the index where you will find Ilgner Document 102. This is a letter addressed by the BdL at ted the 28 of September 1937 to Mr. Fischer, exico, concerning his appointment as Ferben his ison man in Mexico. I think that this document will afford you a good insight into the justions is to what directives Farben likison men abroad received. This document will receive Exhibit No. 58.

Farben latison sen in Lexico, whom I just mentioned, -r. Fischer, the still resides there. He, himself, describes in detail his convict as a Farben latison sen and also deals with Dr. Ilgner's presence in Texico in November-December 1936 on the occ. sion of his journey to Latin Lexico.

From this document, I should briefly like to quote from P. e 26. It is the last paragraph on that page. The affiant says, and I note, "In the case of all reports, we were guided exclusively by the intent to serve only the business interests of Parben. Nor was anything else deadned of us at all on the part of the superior Farben withorities; on the contrary, they, on their part, referred repe tendy to the fact that we must, under all circumstances, observe the laws of the country those hospitality we were enjoying. This was discred to to the fullest extent." This document will receive Exhibit No. 59.

Hex Hemors of Rio de Janeiro. The afficant was the Farben Latison man in Brazil. He discusses his activity as Farben lisison man and he also deals with Dr. Higner's stay in Prazil in the fall of 1936. In connection with the reports which he compiled as a lisison man, the afficult stays, on page 31 of the document book and I quote from the last paragraph to the bottom of the page, "all these reports referred, as it was customary, to interesting economic events, and were based on publications which were accessible to all circles. In addition, I have to mention that Farben never requested me to transmit reports which were not exclusively of a business mature." This document will receive Exhibit No. 60.

The next document will be Ilgner No. 58. This is an affidavit of the Farben limison man, Kluthe, in Italy, in Milan. No says that his main activity this to devote himself, to the sales of Farben products. He says that he did not make any Parben limison reports. This document will receive Exhibit No. 61.

There you will find Higner Document 59. This is an affidavit of the Farben li ison man for Denmark, ange Evenilo from Copenhagen. He still resides there. He is a Danish citizen. I quote briefly from page 37 of my document book. The affiant says: "It was never my impression that the institution of Farben lisison men served any but commercial surposes." I skip one sentence and I quote, "My partner, Director Earl Willig, had greed with me not to serve the interests of the sehraloht, and even less the Gestapo at any time, and I repeat once more that a remest by the Germans to this effect has never been in evidence." This document, this affidavit of the Farben lisison man for Denmark will receive Exhibit No. 52.

Farben Lights Document No. 60, I shall not offer an affid but of the Farben Lightson man for China, Dr. Carl Gottfried Gadow. He states that the tasks of the Farben ligion and for China in view of the tendency for independence on the part of the Sales Combines of Farben, were a purely formal institution and that any such activity was only partly executed. His most important tasks as Farben ligion was consisted of the current investigation and observation of the foreign exchange situation, in view of the Farben business in China. From this very interesting document, I should like to quote briefly from the 41, last paragraph, "In view of the troubles in China, which went on for many decides, it is obvious that to prognosticate the development of the currency and market position in a reliable way, it was, along other things, essential to observe the political situation in China. Not

that not happened any forecase with respect to the Farben business in China, would have been impossible. That would have resulted in large losses for the Farben business in view of the Farben amounting to many millions." This will receive Exhibit No. 63.

ment be as No. 61. It is an affiliate of hans Burandt, former Commercial attache to Mexico. The affiliat reports from his own knowledge about the activity of the Mexico Parben Misison man Pirscher, as well as his assistant Humboldt. He also reports on the activity of the Ferben Misison man for Spain, Mr. Bjrk. I should like to note from page 44 of that document: "From my close acquaintance with those three gentlemen (I was, incidentally, on very friendly terms with Morr 'Fischer) I am and position to confirm, that they were working only for the I.G. and not for the Party, the State, or any other agency, and had nothing whatsoever to do with espionage. I must add that they would have been a most unsuitable choice for such tasks, since the attitude towards sational Socialism of all the three of them as at least a sceptical one." This document will receive Exhibit To. 64.

There, Decument No. 62, is a report of a Farben liaison can on the economic situation in Paraguage in October 1940. U fortunitely, it is the cally report which was accessible to me and which I could find. I am sure that it will convey to the imbunal an impression bout such reports by Farben liaison sen. I shall assign to this document, Exhibit to. 65.

The next document will be Ilgner 63. That is an afficient of Or. Kirk von Lewinski. He was the German Consul General in New York from 1925 to 1931. He reports on the reports of the american consular service bbroad. This will receive Exhibit No. 66.

Frank .. Howard, published in New York in 1947. This document deals with . Highly confidential report by the American Embassy in Darlin,

dated 4 November 1938 to the State Department in Mashington. It becomes a parent from that document that are lowerd, as a represent tive of Standard Cil informed the American Governmental authorities about his impression with reference to the production and import of the most essential var materials, that is to say, in Germany. All his statements are conforming Germany. Furthermore, it becomes apparent from that document that are Howard expressly stated that such information was only intended for the Departments of the State, war and I vy. He adds to the report a chart about the production in and import into Germany of solvents, lubricants, rubber, synthetics, fibres, etc, and here again he discusses Farben's production in a synthetic field. I think that this document will afford the Tribunal any opportunit to study such an tters which here the subject of the indictment in this case. This document will receive Exhibit No. 67.

The next document, Your Honors, will be Ilgner 65. The following eleven documents deal with Farben's Mi-7 relationship with ..bwehr, CMs, and SD, and, in particular, Dr. Ilgner's attitude.

The first I shall submit is Ilgner Document No. 65. This is an affirlavit of Dr. Fritz Ruediger, who was deputy abwehr represent tive and later bushr representative of Berlin NK-7. He reports on the creation of the so-called Mob. Referet of the LIPO and the institute of abwehr representatives. He states that in the execution of the duties which he had to fullfill as abwehr representative, he had repeated difficulties with Dr. Ilgner, since he had little understanding about the official regulations with reference to the counter-intelligence field against sabotage, etc. This document will receive Exhibit No. 68.

The next document will be Ilgner 104. This is an affidevit of hr.

Justus Saxer, who in the same way testifies that there were no close

connections between Dr. Ilgner and Dr. Bloch of CKW abwehr. Thus docu-

ment rall receive Exhibit No. 69.

The next document, Your Honors, is an affidavit of albrecht Focks. It is Higner Document MO 56. Fe was the Group Chief of the Macret Monomic Intelligence Service in the CKW, Foreign abushr. The middent states that he never observed that Dr. Higner played any role what acever in the German counter-intelligence system. Ath reference to the view of the meich Security wain Office, which after the 20th of July 1974 took over the tasks of the Office abushr Office, the efficient motes the following with reference to Farben: "ould you please turn to page 68 of the document. It is the last sentence. I think this sentence is significant considering the view of the Gestapo on Farben. I quote: "The gentlemen of Farben only come if they want something. On their side, however, they wish to do nothing for us."

This document will receive Exhibit No. 70.

lould you be good enough to turn to the next page of the index, Your Honors. Here you will find Ilgner document No. 67. This is in affid vit of Dr. Ruperti. He served as a captain during the war and was drafty . Into the Economic Intelligence Service of the CMI. His superiors were the said Bloch, Focke, and SS-Standartenfuehrer Schuied. Tith ref r ence to Farben's collaboration with the Economic Intelligence Service, the witness states the following on page 69 of the document book. It is the second paregraph and I shall quote briefly: "Mone of the jentlemen mentioned succeeded in including Furben to cooperate in the economic intelligence service, is it was generally the underst indeble tendency of big concerns working abroad to avoid connection with the intelligence service on account of its compromising character. If, therefore, the opinion is held that economy had system tically supported the secuisition of information then that is wrong." I should like to re-uest the Tribunal to turn to page 70, where I shall note the 1 st paragraph, because of its interest. I quote, "Throughout my official activity I never saw Dr. Ilgner in the counter-intelligence

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building in the CKW, nor did I hear of economic reports reaching the office from him. Besides, Dr. Ilgner would have been unsuited for intelligence service, inview of his nature. His innumerable journeys abroad placed him in the public lime-light in such a way that any estivity from the information service would inevitably have been noticed at once."

This document will receive Exhibit No. 71.

Ilgner Document No. 68 is offered on the same subject. It is an affidavit of Freiherr von Wilmowsky and will receive Exhibit No. 72,

In the next Ilgner document 69, Fraeulein Wera Schwarte, the secretary of the Chief of the Foreign Intelligence Department of the OKW, Admiral Canaris, confirms that Farbon's and especially Ilgner's connections with this Admiral Canaris are not known to her. This document will receive Exhibit No. 73.

In connection with the same subject, I shall now offer Ilgner
Document No. 70. This is an affidavit of the former secretary of Dr.
Ilgner, Frauelein Lotte Dachne. This document will receive Exhibit No.
74.

The next document, Ilgner No. 1, is a very interesting affidavit of Freiherr von Lersner, the President of the German Peace Delegation to Versailles, that is, after the First World War. I have already submitted this document to the Tribunal as Ilgner No. 1. The affiant was in Turkey during this last war and states that there was no espionage activity nor work for OKW Abwehr., that he never received any tasks, nor did he execute any work in connection with any espionage activity for the ONV. Beyond that, he states that on the part of Farben, and especially through Gohoimrat Bosch, every a ssistance was given him in order to bring about a rapid peace. I should like to quote a sentence from that document. I quote: "Any espionage activity or work for OKW Abwehr would have been diametrically opposed to my peace efforts, would even have procluded them from the outset." I should like to draw the Tribunal's attention to the following fact: In order to characterize Freiherr von Lersner's person, Baron von Lersner quotes the wording of a letter from Geroge H. Earle, dated the 13th of December 1946, in which the latter confirms that President Roosevelt spoke in the highest terms of the affiants intogrity in 1944. I should like to assign Exhibit No. 1 to this document. It is, however, already in evidence.

MR. AMCHAN: If your Honors please, after Counsel offered Exhibits 71, 72, 73, and 74, which all relate to Ilgner's activities with Major

Bloch and Colonel Piekenbrock, it prompts me to request your Honors to reconsider your ruling of yesterday when we had the witness Frank-Fahle on the witness stand and the three questions asked him where his connections with Major Block and Colonel Piekenbrock lies. In the light of these affidavits on that subhect matter, we submit that these questions were relevant and we respectfully ask your Honors to reconsider your ruling.

THE PRESIDENT: You mean the questions that were asked the witness Frank-Fahle?

iR. AMCHAN: That is right. On the ground we stated to your Honors at the time that I did not ask those questions for the purpose of the credibility of the witness. We withdraw that. I am stating that the subject matter which the witness Frank-Fahlo testified in general dealt with the counter-intelligence of the Abwehr and those questions were relevant on that point and it becomes more apparent especially when the nature of his defense is as is apparent by these Exhibits as to Ilgner and his NW-7 relation to Major Block and Colonel Pickenbrock.

THE FRESIDENT: Now, Counsel, I can dispose of that pretty quickly.

If you claim that these documents would justify the examination of yesterday, you are in a rather inconsistent position. We didn't have these
documents in evidence yesterday and the question of whether or not with
these documents some further inquiry is justified of the witness FrankFahle, is a different matter, but we certainly cannot reconsider a ruling
made yesterday in the light of the contingency that by virtue of this evidence, those objections would be overruled.

LR. AMCHAN: No, that is not the purpose of our request for reconsideration. I think we were misunderstood, which we frankly concede
was our fault, when we stated that we offered the question as to the credibility of the witness. We offered that as being relevent to the subject
matter to which he was testifying and I did not have sufficient opportunity
it occurs to us, to argue that point, it didn't seem important then; since
the defendant and the witness were testifying on that subject matter and

and the defendant's case not being closed and having further documentary evidence on that subject matter we will respectfully call to your
Honors' attention and suggest that in the light of this and the witness!
testimony, we are not overlooking the witness! testimony on the subject
matter, we think, and we ask your Honors respectfully to reconsider that
ruling and to hold that those questions on that subject matter were relevent to the testimony of the witness Frank-Fahle and the questions and
answers should be admitted in evidence.

DR. MATH: Your Honors, may I perhaps state my position very briefly? The Tribunal may remember that I at first objected because the direct examination of the witness did not leave the door open for the questions by the Presecution, whether the witness was active with the OKN Counter-Intelligence or not. Thereupon, the Presecution stated that these were questions as to his credibility. When we later found out that these questions did not serve the purpose of attacking the credibility we embarked upon a new objection. The presecution stated again that these were not questions as to the credibility of the witness, because they didn't want to put any questions as to the credibility of their own witness who testified on their behalf too.

Secondly, in connection with the documents which I am submitting and which merely prove that my client, Dr. Ilgner, had nothing to do with the Abwehr tasks, it has nothing to do with the question of whether the witness during the war for some time as a captain was assigned to any Counter-Intelligence activity, so, therefore, we see no necessity to change the ruling of the Tribunal which was made yesterday on the subject,

THE PRESIDENT: On the record as it was yesterday, the Tribunal will not change its ruling. However, if it now appears that by reason of this testimony, the testimony of Frank-Fahle would be proper, you may y do one of two things. You can suggest to the Tribunal that the questions which were answered and stricken out should be reinstated as a part of the record, or you may recall Frank-Fahle, but perhaps it would be more orderly to wait a bit and to see what this evidence is and then

the prosedution can determine for itself whether it wishes to stand on the questions that were stricken out and which might perhaps now be in the light of this testimony of whether you wish to have Frank-Fahle recalled as a witness. You can determine that, Mr. Prosecutor, and call it up later, if you wish.

IR. ANCHAN: If I understood your Honors correctly, one of the means open to us is to move now to have those questions and answers reinstated in the record, if I understood your Honor correctly.

THE PRESIDENT: That is what I have suggested as a possibility
I think, however, that you had better not make that motion now for the
reason that a motion of that kind should refer to the page of the transcript and the date, so it is clearly identified and is before the Tribunal. Now, when you get the transcript and you wish to make that motion, and you can identify the page of the transcript and the day it occurred, the Tribunal will consider it at that time.

MR. AMCHAN: Thank you.

. THE PRESIDENT: You may go chead.

DR. MATH: I shall now, Your Honors, turn to Ilgner Document No. 14, which is already in evidence before the Tribunal and which has already been assigned Exhibit No. 14. However, I am again introducing it in connection with the subject we are dealing with at the present. This is an affidavit of the former Reich Chancellor, Franz von Papen. In this connection, Your Honors, I draw your attention to the paragraphs of the document which concern Mr. von Lersner and a certain Herr Max Unz, both of whom were for anny years active in Turkey. This document has already been given Exhibit No. 14.

The following document, Ilgner No. 18, is an efficient of the retired Ambassador Karl Ritter. That too, is already in evidence and has been assigned Exhibit No. 18. I refer you to the statement by the affirst under paragraph 3, which deal with the person and activity of Mr. von Fluegge.

The next document will be Ilgner No. 71. The effiant Guenther

Schiller was Dr. Ilgner's assistant and he states his position on Prosecution

Exhibit 915, the effidavit of Mr. Diels. I should like to briefly quote

one sentence from this document, from page 91, which may be characteristic

in view of the Prosecution's assertion that my client was active as a say.

I quote: "Dr. Ilgner's whole nature was opposed to any kind of secretiveness;

on the contrary, he loved to do everything in conjunction with as large

a circle as possible." This document will receive Exhibit No. 75.

Nould you be good enough to turn to the next page of the index. The next three documents deal with the AO. Foreign Organization of the National Socialist Party. At first I shall offer Ilgnor Document No. 72.

The affiant Dr. Erich Mueller, who from 1934 until 1945 was an associate and a deputy head of the WIPO, the political economy department, comments upon the alleged relations between F rben, Dr. Ilgnor and the foreign organization of the HSDAP. I should like to quote from this document book, from page 96. If further more state from my own knowledge of all these matters that there can be no mention of any personal connection or ties of Dr. Ilgner with the Foreign Organizations of the MSDAP or with any individuals

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heads of the foreign organizations of the NSDAP. His contact with the AO was exclusively of a sporadic nature and were motivated by business only."

This document will be given Exhibit No. 76.

Ilgner Document No. 151 is a letter addressed by the foreign organization of the NSDAP to Farben, dated the 27th of January 1937. In this letter the foreign organization criticizes clearly Farben's attitude with respect to the question of the employment of Jews abroad. This document will be assigned Exhibit No. 77.

Will you now turn to the next page where you will find Ilgner Document No. 152. This is an answer by the Contral Finance Department of Farben to the AO of the MSDAP, foreign organization of the MSDAP, dated the 19th of February 1937. In this letter it is stated explicitly why Farben had to employ the Jowish gentlemen abroad in spite of the attacks by the foreign organization of the MSDAP. The merits and the professional knowledge of these gentlemen is being emphasized. This document will receive Exhibit No. 78.

The last three documents of this book, your Honor, deal with the charge of the Prosecution in connection with the giving up of foreign exchange on the part of the Farben to official representatives abroad. As the first document in this connection I shall submit Ilgner Document No. 73, which is an affidavit of Dr. Gustav Schlotterer, the former head of the Foreign Trade Division of the Reich Ministry of Economics. The affiant confirms that Farben had been ordered to give up foreign exchange to representatives abroad on the basis of the existing foreign exchange regulations. This document will be assigned Exhibit No. 79.

I shall now turn to the next document, Ilgner Document No. 74, which is an affidavit of the Prokurist Willi Helfert of the Central Finance Department of Farben NW-7. The witness confirms that Farben did not know the purpose of the foreign currency which were put at the disposal of the German representatives abroad on the orders from the Reich Ministry of Economics. This document will be easigned Exhibit No. 80.

The last document of this book, your Honor, will be Ilgner Document No. 75. It is an affidavit of Carl Gottfried Gadow, the business manager of the dyestuffs sales agency of Farbon in Shanghai. The witness refuted the document of the Prosecution Exhibit 823. In this Prosecution document assertions and assumptions are made. In order to demonstrate to the Tribunal how these assumptions are to be evaluated. I have taken the trouble to introduce this document to the Tribunal in order to refute such statements by the Prosecution. This document will receive Exhibit No. 81.

This brings no to the end of Ilgner Document Book IV. We shall now turn to Ilgner Document Book No. V. The first mine documents, your Honors, deal with the various events on the occasion of the Kiel Week, in 1934, 1938, 1938, 1939. At first I shall don't with Higher Document No. 76. This is on officerit of Wolter Glodisch. The officent reports on the meeting on the occasion of the Miel Week in 1934, and he tells of the clash which Dr. Ilgnor and he himself, the affirmt had with the Reich Sport Leader von Tschramer-Osten. In this connection let me quote from page 2 of my document book; these are the last lines. "Both Dr. Ilgner and I availed oursalves of this opportunity of opposing Mr. von Tschammer-Osten most strongly, and we brought this to his knowledge that the purpose of the meeting, from our point of view, was in no way to serve Mational Socialist propaganda, but rather that it was to bring about an acquaintance among personalities on a human, cultural field, and that it was to contribute to an understanding among nations." I should like to quote the last paragraph of this document on page 3, and I quote: "To sum up my impression of Dr. Max Ilgner's cherecter, I can say that he is a man who was whole-heartedly devoted to international understanding, and thus was strongly biased against war. This document will receive Exhibit No. 82.

The next document, your Honor, will be Ilgner Document No. 77, which is an affidavit of the president of the German Group of the International Chamber of Commerce, Nr. Karl Lindemann. He speaks on the Kiel Week occasion of 1938. This document will be assigned Exhibit No. 83.

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Ilgner Document No. 78 is an affidavit of the French industrialist.

Dr. Leon Venger, Commandeur de la Legion d'Honneur, This witness attended the Kiel Meck events in 1938 and 1939. He confirms that Br. Ilgner never desired a German domination in Europe but on the contrary has always tried to bring about European cooperation. The witness pointed out that this fact was confirmed by Frenchmen, Dutchmen, Englishmen and Belgians at any time. This document, Your Honors, will be assigned Exhibit No. 84.

If you will now be good enough to turn to the next page of my index, you will find Document No. 153, which is an affidevit of the Frenchman A. Jacques Raindre, Paris, Chevalier de la Legion d'Honneur, He also attended the Kiel Week events of 1938 and 1939. The document really speaks for itself. In particular the affient points out that Dr. Ilgner even after the occupation of France at all times was in favor of moderate actions. This document will be assigned Exhibit No. 85.

Ilgner Document No. 79 is enother affidevit of Thile Freiherr von Wilmowsky. This document, too, speaks for itself, and it will be assigned Exhibit No. 86.

The following document is already in evidence before the Tribunal as Ilgner Document 13; it has already received Exhibit No. 13. It is an affidavit of the Reich Minister of Economics and Reichs Bank President, retired, Hjalmar Schacht. I draw your attention to the subject of the Kiel Wook events which is referred to in the third paragraph of the affidavit.

The next document will be Ilgner Document No. 80, and is an affidavit of Dr. Hermann Buscher. He attended the Kiel Week events in 1938. He emphasizes that Dr. Ilgner always endeavored to bring about international cooperation. This document will be assigned Exhibit No. 87.

This brings me to the next page of my index; Ilgner Document No. 81 is an excerpt from the address of the Director of the Institute for World Economy, Professor Dr. A. Predoehl, delivered at the meeting of the Kiel Week of 1938. This document will receive Exhibit No. 88.

The next document, Your Honors, is Ilgner Document No. 120. This is an excerpt from the report on the Kiel Week events of 1939. The assertion by the Prosecution, who only have submitted other excerpts from this report, is not correct because the Prosecution has only submitted parts of excerpts from the report on the beginning of the Kiel Week.

This document will receive Exhibit 89:

I shall now turn to a new subject, referring to economy leaders

Circle "F" and the next three documents deal with that subject. First,

we have Ilgner Document No. 82. This is an affidavit of Dr. Ruperty,

board member of the Allianz Versicherungs A. G. The affiant himself was
a member of this Circle "F", economy leaders organized by the Ministry

of Propaganda at the time. He lists the members of that circle and re
ports on the criticism which was exercised by members of that Circle,

in particular Dr. Ilgner to the Minister of Propaganda, Dr. Goebbels.

This document will receive Exhibit No. 90.

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I shall now turn to Ilgner Document No. 83. This is an effidevit of Mario Passarge, head of the Information Office, Berlin NV-7, who discusses the reasons why Dr. Ilgner attended the so-called "F" Circle. I quote from page 29 — I beg your pardon, I don't think I shall quote. It will not be necessary. This document will be given Exhibit No. 91.

Now, we have Exhibit No. 84, that is the last document in connection with that subject, Economic Leader's Circle, and is another affidation of the Freiherrn von Wilmowsky. This document characterizes the members of the "F" Circle and that is done on the basis of the affiant's personal knowledge. From page 34 of my document book, I shall briefly like to quote one sontence: "That a small circle who had such persons amongst it was not a Nazi circle is quite evident." This document will receive Exhibit No. 92.

The last six documents of this document book, Your Honors, deal with the Carl Schurz Association. The first document of this series will be Ilgner Document 85; this is an affidavit of Mr. Emil de Hass. He was the business head of the Carl Schurz Association. I draw your particular attention to that document. Mr. de Hass describes in a very interesting way and at great length what the activities and the tactics of the Carl Schurz Association were, which devoted its work to an understanding between Germany and the United States and had nothing whatsoever to do with National Socialist propagands. This document will be assigned Exhibit No. 93.

And if now Your Honors will be good enough to turn to the next page of the index, you will find there Document No. 86. This again is an efficient of Emil de Heas. In this affidavit the efficient confirms the correctness of a letter addressed to the afficient by Prof. Karl F. Schreiber, Head of the Department of Germanic Languages of Yale University, New Haven, Conn., dated the 16th of March, 1947. From this letter of an American university professor, it becomes apparent that the film made in Germany on the occasion of the tour of the Carl Schurz Association in 1934 through Germany, was again shown in the United

States now, in 1947. I should like to mention that in order to prove that there can be no mention of any National Socialist propaganda. This document, Your Honors, will be assigned Exhibit No. 94.

As Ilgner Bocument No. 87, I am submitting an affidavit of Mr.

Heinrich Rocholl. Mr. Rocholl for many years held a scholarship
granted by the German-American Scientific Exchange service for many
years. Furthermore, he was a scientific assistant at American universities, and for many years was an economic expert attached to the American consulate in Berlin. Furthermore, he was a member of the Carl
Schurz Association and attended its functions. The witness confirms
that politics and propaganda was far from all functions arranged by
the Carl Schurz Association. I should like to quote the last sentence
of this document, to be found on page 60: "Dr. Ilgner was rightly considered one of the strongest opponents of chauvinism and National Socialism". This document will be assigned Exhibit No. 95.

The next document will be Ilgner Document 88, which is an effidevit of Mario Passarge; he confirms the sims of the Carl Schurz Association as they were presented by the Defonse and he states that the American Ambassador repeatedly mentioned in his speeches, and I quote: "That he considered the function of an association such as the Carl Schurz Association of particular importance to the relations between the two countries." I should like to draw the attention of the Tribunal that this concerns the American Ambassador Dodd; we discussed that before. This document will be given Exhibit No. 96.

I shall now turn to Ilgner Document 89; it is an affidevit of the former Secretary of the Carl Schurz Association, Lotte Daehne, who confirms that Dr. Ilgner refused to incorporate the provisions excluding non-Aryans in the by-laws of the Carl Schurz Association. This document will receive the Exhibit Ne. 97.

The last document in the book is Ilgner Document No. 121, an affidavit of Dr. Abert Degener. The witness says that the Carl Schurz Association never was an espionage organization. Based upon his activity \$9.55

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in New York, he is in a position to confirm that the Association Carl Schurz at no time carried out any propagands activities in the United States. In this affidavit he mentions Mr. von Bismarck who also had nothing at all to do with espionage. This document will be assigned Exhibit No. 98.

This brings me to the end of Ilgner Document Book V.

THE PRESIDENT: We will take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in sassion.

DR. MUENZE (Defense Counsel for the defendant Mann):
Your Honor, may I ask that the defendant Mann be excused from the
session this afternoon and the entire day tomorrow in order to prepere his defense?

THE PRESIDENT: That request is now granted,

DR. NATH (Defense Counsel for defendant Ilgner): Your Honor, may I continue, please?

I ask that the Tribunal please take up my next document book 6. All documents contained in this book treat the question of the promotion of exports. I think that in this document book there is a good and interesting survey about this matter.

As Ilgner Document #90 I offer an affidavit of Dr. Gustav Schlotterer, Chief of the Export Department of the Reich Ministry of Economics, about the nature and importance of the promotion of export. The affiant points out with emphasis that the entire Garman expert was under the control and direction of the Reich Ministry of Economics. He confirms that the Ministry repeatedly asked the Garman aconomy to submit proposals for an increase of exports in its own interests. Many official circles in Germany, especially Goaring, considered the export as superfluous and in the counter arguments on the part of economists it was pointed out that the export was necessary within the Four Year Plan, May I briefly quote one sentence on page 4 from this document, This is the last sentence of the first paragraph. I quote: "If these arguments had not been used, experts would have shrunk more and more due to Goering's attitude who, as Planipotantiary of the Four Year Plan, had dictatorial . powers." The affiant further confirms that the predominant mass of German import grods did not consist of raw materials important for armament. At the end of the document, the affiant comes to the conclusion, and on page 6 of the book where I would like to quote another sentence: "The promotion of German export therefore was in no way a

means of preparing for war but, on the contrary, a means of preventing military strifs and securing the peace." I would like to give Exhibit #99 to this document.

On the next page of the index I offer Ilgner Document #91. This is an affidavit of Karl Blassing, former assistant to Schacht in the Reich Ministry of Economics. The witness confirms that the promotion of German export measures had become necessary in order to astablish a balance for the devaluation of foreign exchange money. On page 9 of my document book I would like to quote the final paragraph. The affiant states: "I want to make it quite clear that the plan for the establishment of a fund for the promotion 'of export by industry did not originate with I. G. or other circles of private antarprise, but was avolved in the Reich Ministry of Economics and that it was a compulsory measure resulting from the position of Garman foreign trade at that time. Private enterprise, particularly I.G., strongly opposed this plan at first as it constituted an extremely high financial burden. The possible assumption that private enterprise as such was interested in these measures is erroneous. They were redered by the state authorities." I am giving Exhibit #100 to this document.

Next is Ilgner Document 92, an extract from the minutes of the W rking Committee held on 21 June 1935. I offer this as Exhibit 101.

The next dreument is also an extract from the minutes of a session of the Trking Committee held on 3 September 1935.

This is Ilgner Document 93 and it can be seen from this document and from the membershed before that the questions connected with the export lavy were discussed in the Working Committee. I offer this document as Exhibit 102.

Ilgner D cument 94 is a circular letter by the Economic Group Chemical Industry of 18 June 1935 to the firms of the chemical industry with an order attached concerning the export levy introduced

at the time. This document receives Exhibit #103.

On the next page I offer Ilgner Document #95. This is an affidavit by the Chief of the Department of Farben for the promotion of exports Berlin NW 7, Mr. Welter Dihlmann. He reports in detail about the many measures taken by the export promotion department of Farben in order to promote and maintain the Farben export. The affiant comments on the memorandum about promotion of export made by Dr. Ilgner and he gives an analysis of it. This analysis repudiates the claims of the prosecution. I give this document Exhibit #104.

Now I come to Ilgner Document 96. This is an internal letter of Farben Berlin No 7 of 8 November 1940 on export reimbursements. The inclosure attached to this letter, to which I refer especially, shows to what a great degree Farben succeeded because of its efforts to receive export reimbursements from the official fund, but that, despite all these great efforts, Farben still had to pay twenty-one million Reichsmarks a year. This document becomes Exhibit 105.

Now, there are four documents which show that Farben was requested by official agencies to make suggestions about raising the Farben exports.

As Ilgner Document 97 I offer a file note of the Directorate of the Department Dyes of Forben, Frankfurt/Main, of 4 August 1937. Your Honors, in the index, it says 1934. Perhaps I may request that this error be corrected. It should read 1937. This is a file note which I just mentioned and I offer it as Exhibit 106.

This brings me to the next page of the index and to Ilgner Document 98. This is a letter from the export promotion department of Farben Berlin NV-7 to the Directorate in Frankfurt dated 7 August 1937. This is a document about the same subject matter and I offer it as Exhibit 107.

Document Ilgner Number 99 is an excerpt from the minutes of a meeting of the commercial committee held on 20 August 1937 and it was offered by the prosecution as Exhibit 362. In order to clarify things I offer it as Exhibit 108.

Now we come to Ilgner Document 155. This too is an excerpt from the minutes of the meeting of the commercial committee. It also has already been offered by the prosecution as Exhibit 893, and in my document book it becomes Exhibit 109.

The next document is another affidevit of Mr. Walter Dihlmann who comments on Prosecution Exhibit 766. I offer it as Exhibit 110.

Partment of 25 March 1939 about the foreign methods of export promotion. This document shows, among other things, that certain measures for export promotion taken by France began in 1929 and that in England they began in 1930. This document becomes Exhibit 111.

This is an excerpt from the lecture held by Dr. Ilgner on 28 January 1938 in Kiel on the subject, and I quote: "Increase of Export by Farticipation in the Industrialization of the World." In his statements Dr. Ilgner approves of promoting the industrialization of those countries who are still only slightly industrialized and to increase the volume of world trade. This becomes Exhibit 1112. I would like to point out to the Tribunal that in order to supplement this presentation of my document book I shall present a list of Farban's exports and turn-over and I shall hand in the figures for that.

This finishes Document Book 6 and I shall take up Book 7.

The first four documents treat Dr. Ilgner's trip to East Asia from 1934 to 1935. Ilgner Document 106 is an affidavit of Dr. Wolfgang von Tirpitz. He reports about the main principles of Dr. Ilgner's trip to the Far East. He talks about the East Asia report which he helped to write. He emphasizes that Dr. Ilgner wanted to write the East Asia report as a kind of compendium of the Far Eastern countries similar to the China Year Book. I offer this as Exhibit 113.

As Ilgner Document 107 I offer excerpts from the report of Dr. Ilgner about his journey to the Far East. The index listed here of the first volume shows that as far as this report is concerned it is something similar to an encyclopedia. The entire report consists of several volumes and I would like to draw the attention of the Tribunal to this index. The document is offered as Exhibit 114.

As Ilgnar Document 108 I offer an affidavit of the retired Reich Minister Lammers who states that he personally caused Dr. Ilgnar to give him a copy of his Far Eastern report for Hitler. My client has said whatever is necessary to be said about this while he was on the stand. This document becomes Exhibit 115.

Turning to the next page of my index we come to the last document in this connection, Ilgner Document Number 109. This is an affidavit of the former assistant to Dr. Ilgner, Mr. Guenther Schiller. The witness accompanied Dr. Ilgner on his Far Eastern trip. He confirms that the trip served purely economic purposes and had not the slightest to do with espionage or propaganda. This becomes Exhibit 116.

The following eight documents, Your Honors -- I have an error to correct. The next document, Ilgner Document 110 still belongs to the subject just treated. It is a lecture of Dr. Ilgner to the German Netherland Association of 4 November 1938, which I have reproduced in excerpts. The document speaks for itself. I offer it as Exhibit 117.

The next eight documents concern the South American trip of Dr. Ilgnar. First of all I offar Ilgner Document 111. This is an affidevit of the former German commercial attache in Mexico, Mr. Hens Burandt. The witness describes in detail the spirit and the purpose of Dr. Ilgnar's trip to South America, and he describes it in the way in which the witness himself experienced this trip. He says that for sign circles fully agreed with Dr. Ilgner on the ideas which he frankly presented. He emphasizes that Dr. Ilgner visited the American charge d'affaires as well as the representatives of the large American concerns in Mexico and that he discussed his ideas with these paople. On page 49 of my document book I would like to brisfly quots from the second paragraph of this document. "His intentions," -- meaning Dr. Ilgner -- "of involving himself in complex international neg tiations prove that Dr. Ilgner could not even have thought of the possibility of war. Still less could be have engaged in aspionage and the dissemination of propaganda in preparation for an aggrassive war as alleged by the prosecution." This document becomis Exhibit 118.

I now come to Ilgner Document 59. I have already offered this document to the Tribunal. It received Exhibit 59. It is an affidavit of the I.G. Liaison man Fischer in Mexico, and he comments on the trip by Dr. Ilgner mentioned here. Your Honors, I am told that I made a mistake. This is Ilgner Document 56, but it is Exhibit 59.

THE PRESIDENT: You mean Exhibit 59. Document 56, Exhibit 59.

DR. NATH: That is right. Now we come to Ilgner Document 112, an affidavit of Artur Schoene, who at the time of Dr. Ilgner's South American trip was president of the German Club in Bogota, Columbia. He reports with what american candidness Dr. Ilgner expounded his ideas before foreign circles about world sconomics. This document becomes Exhibit 119.

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On the next page we come to Ilgner Document 113. This is

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another affidavit of Dr. Gustav Schlotterer who confirms that for his South American trip Dr. Ilgner did not receive any official orders and that no official orders were carried out by him. I offer this as Exhibit 120.

Document Ilgner Number 114 is an excerpt from the minutes of the mesting of the working committee on 13 April 1937. I offer it as Exhibit 121.

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Elgner Document 116 is an exchange of correspondence between Dr.

Ilgner and various South American personalities which was carried on
on the occasion of his South American trip. Furthermore there are
lists in this document about a shipment of books to South American
institutes. I offer this document to the Tribunal in order to show
that the prosecution, has only selevted from documents which are available, the whipments of books to Party agencies. I think that the documents which I am submitting now will show that the book deliveries
to the South American personalities and institutes either included
no Nazi literature at all or very little of it. That is why I introduce Document Number 116 as Exhibit 122.

The next Elgier document 117 is such a list of a shipment of books sent to the Maria-Elena Works Library, Santiago de Chile on 14 December 1937. I offer this as Exhibit 123.

On the next page we have Ilgner Document 118, an affidavit of the deputy departmental chief in the directorate department of Farben 156-7, a man by the name of Hackermann. This man was concerned with the technical carrying out of these book shipments to South American. He confirms that the book lists had to be submitted to the foreign organization for exemination before the books were shipped and for this reason alone it was necessary to include a few NS books. He also confirms that these shipments of books were purely a good will action on the part of Farben and that it had nothing to do with political propagands. This document becomes Exhibit 124.

As the final document in this book I offer Ilgner Document 158, another affidavit of the above mentioned Dr. Hackermann. The affiant comments in detail on Prosecution's Exhibit 807 which is a note about the conference in the Central Department "Joy and Work", and he confirms that all the suggestions of the Central Committee were never realized as fat as Farben was conserned because Farben so much rejected this suggestion as much as was possible in the Third Reich.

This document becomes Exhibit 125. And this concludes my document book 7.

I now come to Ilgner Document Book 8. The first six documents of this book, Your Honors, treat the industrialization efforts of Dr. Ilgner, especially in Southeast Europe.

As Ilgnor Document 122 I offer an affidavit of the Director of the VOWI, Dr. Reithinger, who describes the economic principles of Dr. Ilgner and who shows that these principles have, as their aim, a class international economic cooperation. This document becomes Exhibit 126.

Ilgner Document 123 is an affidevit of the director of the VOMI in Vienna, Professor Doctor Hermann Gross, who describes in detail the industrialization efforts of my client in respect to the Southeastern European countries. He emphasizes that especially during the war Dr. Ilgner tried to achieve a honest cooperation with the Southeastern European countries on an equal status. I would like to quote one short sentence on page 9 of the book. It is the last sentence of the first paragraph. "He", — meaning Dr. Ilgner — "for this reason rejected all efforts aiming at an economic and military political overpowering or speliation of foreign countries."

Pardon me, I have forgotten to give an exhibit number to this document. It receives the Exhibit Number 127.

Turning to the next page of the index we come to Ilgner Document 17 which has already been accepted as Edubit 17 by the Tribunal, and which is submitted by me ---

THE PRESIDENT: Counsel, I think you misstated the exhibit number.
Is it not your Exhibit 17? We got the translation 117.

DR. HATH: 17 -- yes. This is an affidavit of Freiherr von
Wilmowsky. This affiant also speaks about Dr. Ilgner's attitude towards
the Southeastern European countries. He says that because of his activities Dr. Ilgner had difficulties with the Party agencies. On page

13 of my document book I would like to quote the second sentence of the second paragraph. "His good relations to leading economists abroad without regard to their origin or their political opinions were held against him. He was repreached with the fact that only the Southeastern people wer. benefiting from his work — not Germany. Above all, his plans for the elimination of debts were rejected as unworthy."

Now we come to the next Ilgner Document 124, an affidavit of the former section shief in the Reich Ministry of Economics, Dr. Reinhart, who knew Dr. Ilgner for many years from his activity in connection with the Southeast European countries. One sentence from this document on page 16 — this is the last sentence: "In any case wherever I gained any insight into it in word and in deed he did the exact opposite to a plundering and exploiting policy." I offer this document as Exhibit 123.

Now I come to Ilgner Document 125. This is an affidavit of Dr. Gustav Schlotterer from the Reich Ministry of Economics and I offer it as Exhibit 129. The document speaks for itself.

On the next page is Document Ilgner 126. This is an affidavit of the former member of the Bulgarian Board of Trade and former chief of the Bulgarian Board of Directors for Foreign Trade, Mr. Zonew, who now lives in Geneva. I quote from page 20 of my document book, second paragraph towards the end. The Bulgarian says: "Dr. Ilgner belonged to those Germans whose attitude was definitely cosmopolitan, who definitely advocated friendly relations between Germany and the rest of the world. I had the impression that he considered the war as an absolute tragedy."

On page 22, Your Honors, at the end of the document, I would like to emphasize and I quote: "In the middle of the war Dr. Ilgner tried to adopt peaceful methods in his work in the economic sphere. He always advocated the economic cooperation of all peoples and on many occasions he openly expressed his exasperation at the obstacles he encount-

ered owing to the official policy of the Third Reich." This document is offered as Exhibit 130.

Turning to Elgner Document 127 this is an affidavit of the president of the Central European Economic Conforence, Freiherr von Wilmswitz. He describes the origin, the history, the activity of the ENT whose vice-president was Dr. Ilgner. And he describes the attitude of Dr. Ilgner and the MIT, briefly, and I quote on page 26 of my document book at the bottom. "This principle may be described briefly as follows. Voluntary, equitable cooperation on a long term basis under the viewpoint 'do ut des'. Above all on agricultural and mining question, and a firm rejection of all political and imperialist ulterior motives of any kind. The HIT's and Dr. Ilgner's Southeast economic policy was anything else but exploitation and enslavement of other countries." This document is offered as Exhibit 131.

On the next page I offer Ilgner Document 128, another affidavit of Freiherr von Vilmowsky, on the so-called Southeast donation of Farben. The affiant comments on the Prosecution Exhibit 818. The affiant says anybody who looked for any political or propagandistic ulterior motives would be very much disappointed. This document is offered as Exhibit 132.

Turning to the next page, we come to Ilgner Document 156 which has been offered as Prosecution Exhibit 818. This is an excerpt from the minutes of the Commercial Committee and concerns itself with the scholarships of the Central European Economic Conference for the training of young business men. I am giving it exhibit number 133.

The next Ilgner document is 129 and contains an excorpt from Dr.

Ilgner's lecture in Vienna before the Central European Economic

Conference on 2 September 1910. I think the document speaks for itself.

I offer it asExhibit 131.

Now we come to Ilgner Document 15h, an affidavit of Dr. Schacht's collaborator, Mr. Karl Blessing, who describes the tasks and importance of the so-called working Group for Foreign Economy. This becomes Exhibit 135.

Turning to the next page of the index, we come to Ilgner Document 130. This is an excerpt from the report, "Southeastern Europe," a political and economic survey prepared by the Information Department of the Royal Institute of International Affairs in collaboration with the London and Cambridge Economic Service, London 1939.

I would like to call the Tribunal's attention to this very interesting document in which the English critically analyzes the German economic activity in Southeastern Europe. This document is offered as Exhibit 136.

Tigner Document 131 and the last three documents of this book, that treat a new subject -- namely, Fr. Meubacher who, as the Tribunal will recall, became mayor of Vienna afterthe annexation, to the surprise

of Farban. The affiant, Freiher von Wilmowsky, at whose recommendation lir. Neubacher was hired at Farban Berlin NW/7, discusses this subject and from page 49 I would like to quote briefly. That is the last sentence of the second paragraph. I quote:

"There was no question of any political ulterior motives or else I would have absolutely refused to recommend hime"

This concerns the attitude of Mr. Meubacher. This document becomes Exhibit 137.

Coming now to Ilgner Document 132; this is an affidavit of Wilhelm von Fluegge who comments on Presecution Exhibit 900. I offer it asExhibit 138.

And on the last page of the index we have Ilgner Document 133, a letter of the Auslandsorganization, the foreign organization of the MSDAP to Ferben of 26 April 1937. An enclosure is attached to this letter which shows clearly the negative attitude of the foreign organization towards lir. Neubacher. This document becomes Exhibit 139.

This concludes Document Book VIII for Ilgner and I turn to Book
No. IX. Your Henor, the first 23 documents in this book concern themselves with fustria and particularly the question about the SkodaWetzler Works. I have taken it upon myself, in agreement with my legal
colleagues, to give a closed presentation of the available documents. Of
course, my colleagues are still entitled to submit their own supplementary material in their own document books but, for the sake of a
better survey of this question, I attempted to be as complete as possible;
but we reserve the right to submit additions.

As Ilgner Document 13h I offer an affidavit of Mr. Guenther
Schiller who was a member of the Verwaltungsrat of the Amilinchemie,
Vienna, from 1936 to 1938. The witness states that in 1936 the Farben
office in Berlin MW/7 sent him to Vienna in order to support Mr. Roth
in his position in the Amilinchemie. He says that, despite many
objections by official agencies, Farben managed to keep its Jewish

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representatives in Austria and the Balkans until March 1938. This also was the cause that Mational Socialist commissars were appointed in all firms close to Farben in Austria. The witness emphasizes that the idea of acquisition of shares of the Skoda-Wetzler Works dates back before 1936 and Farben was approached about it then and that the relationship of the Farben gentlemen to Mr. Pollak who was the General Director of the Skoda-Wetzler Works was very friendly. I quote in this connection from page 3 of my document book. The witness says, and I quote:

"Farben."

The difficulties in the negotiations between Farben and the credit instalt shortly before the Anschluss of Austria, according to the witness came about owing to the fact that the Austrian government at that time objected to the increasing influence of German capital in Austrian firms. As far as this important question is concerned as to who after the Anschluss took the initiative, I quote the final paragraph of the affidavit on page 4 of my document book. I quote:

"Immodiately after the Anschluss Herr General Director Pollack
phoned me and asked me to take over his position as manager of the
Skeda-Wetzler Works, according to our negotiations during the last
year. With the consent of the responsible men of I.G. Farben I fulfilled his wishes after first, on instruction of I.G. Farben, having
obtained the consent of Herr General Director Johan of the Creditanstalt
Vienna."

This document is offered as Exhibit 140.

I turn now to Ilgner 135 Document No. on the next page. This is an affidavit of Walter Rafelsberger who, after the Anschluss became State Commissar in the Austrian private enterprise. The affiant confirmed from his own knowledge that the difficulties which the Creditanstalt Vienna may have had after the Anschluss could only have been of a temporary nature but, at any rate, they remained without any consequences for the enterprise and, in view of the General Director of the Creditanstalt, Johan, the witness, states the following on page 7 of my book, second paragraph. I quote:

"Although Herr Joham was no longer General Director of the Creditanstalt after the Anschluss, he remained a Verstand member with equal rights until 1945." Then I quote the sentence after the next one:

"Within the Vorstand Herr Johan always held an independent position in the Vorstand commensurate with his special abilities as a businessman."

And I would like to quote the next paragraph, too:

"Although Horr Johann was again and again attacked by circles of the Creditanstalt's employees," that is, of his own firm, "and by the SD, these attacks were not injurious to his person or to his position because I shielded him against them."

Your Honors, Mr. Joham claimed, as the Tribunal will-recall, in his affidavit that the Creditenstalt, in respect to the purchase price of the shares of the Skoda-Metzler Works, felt that it was at a disadvantage, and I quote, still from the same affidavit, on page 9 this time, last paragraph:

"A disadvantage for the Creditanstalt in the purchase price must have finally appeared in the balance accounts somehow; besides the Vorstand would have unquestionably given air to its complaints to me during my later activity in the Creditanstalt's Aufsichtsrat, which did not happen."

This document is offered as Exhibit 111.

Your Monors, we now come to Gattineau Document No. 1 which is taken from the document book of Dr. Cattineau and which has been taken into my document book and which is another affidavit of Mr. Rafelsberger. In this document the affiant discusses in detail the various contentions of Mr. Joham. He points out that in the beginning of 1936, with the consent of the Creditanstalt on the basis of the negotiations conducted between Farbon and Skoda-Wetzler Works an examination of the accounts was carried out in the Skoda-Wetzler Works. In the course of further negotiations a second such examination took place on March 1938 in which, as in the year 1936, the necessary explanations were made by Mr. Pollack.

Your Monors, my colleague tells me that by mistake I already described the next document, Gattineau No. 2. In order to simplify matters, I shall give this Gattineau document the exhibit number 143. Then I think this would make matters simple. In other words, Gattineau Document No. 2 becomes Exhibit 143 and Gattineau Document No. 1, if the Tribunal will be kind enough to look back in the index, is an affidavit of Mr. Rafelsberger. . He comments on Prosecution Exhibit 1,067 and also about the question of whether any pressure was exerted on the Credit-anstalt.

On page 11 under No. 3, he says the following. The affiant quotes, first of all, a remark of Mr. Johan which the latter made in his affidavit, according to which Mr. Johan said that after almost ten years he could no longer recall any details of any pressure. The affiant of my document — that is, Mr. Rafelsberger — then continues. I quote:

"In view of the importance of the Skoda-Wetzler shares, stressed by Joham, he would certainly be able to recall after 10 years if any pressure had been exerted. Thus he was able to remember facts pertaining to the case of the 'Continental Shipping.' I do not remember anything to that effect either. Neither did I hear any complaints of this, on the other hand, complaints from Joham because participations were ceded to the Reichsworks."

I may say here that the Reichsworks Hermann Goering is meant. I continue my quotation:

"It is possible that the Reichsworks, Goering exerted pressure but certainly not the I.G. Farben. This was not regarded as a National Socialist enterprise. Heither was any such pressure exerted by me as former State Commissar in private industry."

On the next page, 12, of the document, under No. 4, I would like to quote briefly:

"Dr. Pfeiffer did certainly not get this position without the

vote of the Vorstand in which Dr. Johan also took part. That would

have been completely impossible owing to the organization of the Cre
ditanstalt. Dr. Pfeiffer never held any strong position in the Vorstand;

he was considered to be a very unimportant person who had got into the

Vorstand at the wish of the factory staff."

This document, Gattineau No. 1, receives the exhibit number 142.

On the next page I have already offered Gattineau Document No. 2.

That is the exhibit number 143 and I now come to Ilgner Document 136.

This is an affidavit of Ernst Hackhofer from Austria who was formerly a member of the Vorstand of the Donau-Chemie A. G. Vienna. This witness concerns himself with the expansion of the Donau-Chemie which came about by the combination of the Skoda-Wetzler Works in the carbide works, Deutsch Hatrei. He emphasizes that it was a matter of course for Dr. Ilgner that the Donau-Chemie, first of all, had to serve Austrian

Turning to Ilgner Document 137, the next series of documents shows since what time and to what extent negotiations took place about Skoda-Wetzler. Ilgner Document 137 is a letter of the former Vorstand member of Farben Bitterfeld, Dr. Pistor, to Farben in Ludwigshafen, dated Movember 11, 1927. This letter shows that Mr. Pollack, as early as the year 1927, visited the Farben people in order to recommend exten-

requirements. I offer this document as Exhibit 144.

sive support for Skoda-Wetzler on the part of Farben. This becomes Exhibit 145.

The next document is Ilgner Document 138. This is a report of the same Dr. Pistor of 26 November 1927 about the inspection carried out by him at the time of the Moosbierbaum plant of the Skoda-Wetzler Works. This becomes Exhibit 146.

Turning to the next page of the index, I come to Ilgner Document 139. This is a report about the inspection of the Moosbierbaum plant by Dr. Kuehner Leverkusen of 29 November 1927. Dr. Kuehner carried out the inspection together with Dr. Pistor. I offer this as Exhibit 147.

The next document, Ilgner 140, is a letter from Farben of 12 December 1935 to Mr. Weber-Andreae and Mr. Haefliger about the Skoda-Wetzler Works. This letter shows that the Committee for groups Aussig and Solvay tried to gain an influence over the Skoda-Wetzler Works but were not successful. The document becomes Exhibit 148.

As Tigner Document 141, I offer as a file memo of Farben Berlin
NW/7 dated 10 January 1936 concerning a conference about Skoda-Wetzler
in which the Kommerzialrat Roth, the I. G. liaison men for the Southeastern European countries in Vienna participated. The following was
decided upon and I quote from page 39, up at the top, first paragraph:

"Kommerzialrat Roth shall be authorized, in close cooperation and conjointly with Generaldirector Phillip, to make an offer of the Austrian Creditanstalt of 3 million Reichsmark for 86% of the stock under the condition that our representatives shall have the right to audit the balance sheets and to inspect the various plants."

This document becomes Exhibit 149.

This brings me to Exhibit 142. It concerns a letter from Mr. Haefliger of 30 January 1936 to Dr. Kuehne and Dr. Pistor. Mr. Haefliger refers to the discussions mentioned in the document offered by me, suggesting another inspection of the Skoda-Metzlar plant. In connection with continued existance of the Greditanstalt Mr. Haefliger states in the letter:

I quote from page 40: It refers to the Austrian Creditanstalt and I quote: Which had the intention to sell occasionally because plants like Skoda-Wetzlar did not quite fit into their plan.

How very much the Creditanstalt was interested in the selling of the shares can be gathered from the following quote on page 141 of my document book. This is the next to the last paragraph, and I quote from the document dated 20 January, 1936: "Our intention to get an option for two years, could not be carried out, unfortunately, because the Austrian Creditanstalt urged and pressed for a very quick decision."

This document becomes Exhibit 150.

Turning to the next page, Your Honors, we come to Ilgner Document 143. This is a letter from Dr. Pistor of 10 February, 1936, to Mr. Haefliger, which welcomes the inspection of the Skoda-wetzlar works, and that this inspection was then carried out can be gathered from the following documents. First of all, I would like to offer Document Ilgner 143, as Exhibit 151. Ilgner Document 144 is a letter from Dr. Kuehne, dated 6 Narch, 1936, to Mr. Pollak. This becomes Exhibit 152.

The next document, Ilgner Document 145, is an answer from Mr. Pollak of the Skoda-wetzlar works to Mr. Kuehne, of 9 March, 1936. This becomes Exhibit 153.

The next document, Ilgner # 146, is a report of

Dr. Kushne, dated 13 March, 1936, on the inspection carried out by Dr. Kushne of the Skoda-Wetzlar Works. This document becomes Exhibit 154. The last three documents speak for themselves.

I now come to Ilgner Document 147. This is the letter which was already mentioned in the direct examination of my client. It was written by the then director of the Anihilin-chemie in Vienna, Herr Moos von Seiler to the Central Finance Department, dated 13 May, 1936.

I would like to refer to the quotation brought up by my client, and this can be found on pages 58 and 59. I offer this as Exhibit 155. Ilgner document 148 is another letter from the Director Moos von Seiller, dated 26 February, 1937, to Farben. This letter explains the thoughts of Mr. Pollak about the concentration of the chemical plants in Austria.

I would like to point out page 64, - I do not want to quote the lengthy statement, - but the document is offered as Exhibit 156.

Your Honors, on the next page of the index, I come to Ilgner Document in Book No. 2, --- pardon me, this is Document No. 2, -- these are minutes of the 18 July 1937, about a conference held at the Skoda-Wetzlar Works. This conference took place on the 29 May, 1937, between Mr. Pollak and Mr. Englaender, and members of the Skoda-Wetzlar works and gentlemen of I.G. Farben.

According to these minutes, Mr. Pollak designated the condition of the chemical industry in Austria as regrettable and unhealthy. I quote from my document bo k on page 67, beginning with the last line: "The only one profiteering from this state of confusion is Aussig, which in South Eastern Europe has taken measures of consolidation which are exemplary

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Therefore, in his opinion it is a matter of course that an analgamation of interests must take place and as soon as possible in order to provide the Austrian chemical industry in the manner of other countries with internal tranquillity required for scientific research and industrial organization."

This document is offered as Exhibit 2.

The next Ilgner document, Number 3, is a note about a conference on 22 September 1937, between Mr. Pollak and Mr. Meber-Andrae and Mr. Schiller of Farben. Here too mention is made about the measures of consolidation taken by the Austrian chemical industry, and I quote from page 71, the last paragraph

"Pollak again discusses in detail his idea of the future development of the chemical industry of Austria. He and Philipp, as well, would have to resign in 2-3 years, but there would be a lack of successors. Therefore, he could do nothing better than to transfer his inheritance to I.F.Farben, in whom he sees the best possible custodian. The present-day political situation would no longer admit of a sale of shares, which he had originally intended, therefore one must take the somewhat more complicated route of merger."

This document is Axhibit No. 3.

I turn to the next page of the index and come to Ilgner Document 149. This is a letter of the office of the Commercial Committee in Berlin NW 7, of 28 March, 1938, to Dr. Kuchne. There is a note of 19 March, 1938, attached to this letter. This is an excerpt; erroneously, this is not mentioned in the index. I ask that the date be changed. It should not read, "18 March, 1938"; it should read "19 March, 1938". This note gives a brief description of the course of the negotiations about the acquisition of the Skoda-Wetzlar, and I quote; on page 75, at the bottom: Since 1931 efforts

have been made to join some of the participation by means of purchase or merger with the Powder Plant Skodawerke Wetzlar A.G. to a new efficient chemical firm.

I quote from the next paragraph, about the middle of the page:

"In spring 1938, however, after many attempts the negotiations had proceeded so far that the final agreement was to be expected in the middle of March. Yet the majority of shares would not have been handed over to I.G. Farben in the planned merger, as Schuschnigg's government, for political reasons, insisted that the Reich German participation in Skoda-Tetzlar should not exceed 49%."

I offer this decument, Your Honors, as Exhibit No. 157.

The final four decuments in this volume concern

themselves with Russia. This is a mistake - I beg your pardon.

I have three more documents.

First of all, Ilgner No. 150. This is an excerpt from the auditing report of Mr. Deneker, head of the accounting department, about the auditing carried out by him on 9 and 10 March, 1938, of the balance account books of Skoda-Wetzlar.

This document becomes Exhibit 158.

Ilgner Document 159 is an excerpt from the Trade

Journal, Estdeutsche Wirtschaftszeitung, License No. 42

of the Military Government of 18 December, 1947. It shows
that the Donau-Chemie, Vienna, is under the Soviet control,
as German property in Austria.

This becomes Exhibit 159:

Now Ilgner document 157, the Ordnance about the introduction of the Nucroberg racial laws in Austria from the Reichs Law Gazette. It becomes Exhibit 160.

Now I think, Your Honors, this would be an appropriate

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place to take the recess, because I do not think I can finish the book.

THE PRESIDENT: The Tribunal will rise until one-thirty. (TRIBUNAL IN RECESS UNTIL 1330 hours.)

## (AFTERNOON SESSION)

THE PURSHAL: The Tribunal is again in session.

DR. MATH: I shall now continue with the submission of the last four documents of my Document Book No. 9. They refer to Soviet Russia. The first document will be Ilgner No. 160. It is an affidavit of Dr. Anton Reithinger, who on the basis of a specific experience, describes how Dr. Ilgner was surprised by the war against Soviet Russia. This document will receive Exhibit No. 151.

The next Ilgner Document will bear the number 161.

It is an affidavit of Henns Gierlichs, who discusses the Prosecution Document NI 1334, Exhibit 1176. The order mentioned in this document as given by Dr. Ilgner, with reference to Russian industrialists, was probably prompted by the Reich Ministry of Economy, and was never executed, as the witness testifies. This document will receive Exhibit No. 162.

I shall now turn to the Ilgner Document 162. This is an affidavit of Mr. Emil de Haas, He also discusses the above mentioned Prosecution Document, Exhibit 1176. He too confirms, as a result of his activity at the East Liaison office, that the order prompted by the Reich Ministry was never executed. This document will bear Exhibit No. 183.

Finally in this book, I shall submit Ilgnor Document 163. This is an affidavit of Dr. Willibaldo Passargo. Ho refers to the Chemic Ost GMBH where he was the business manager. The witness confirms that the Chemic-Ost GMBH, was founded as a more advisory company. And this advisory capacity was only used in a very few cases of very little significance.

Ath respect to the goneral attitude of Farben, I shall quote from page 93 of my document book, "In summary I

Should like to state," -- it is the last paragraph, Your Honors, "that no statements or actions on the part of I.G. Farbon which might have come to my knowledge, could have given rise to the assumption that Farbon intended to establish itself industrially in the East."

This document will receive Exhibit No. 164.

This, Your Honors, brings me to the end of Ilgner
Document Book No. 9.

Before going on to my last document book No. 10, I should like to make the following remarks. I do not think it has escaped the attention of the Tribunal that I have not yet offered any documents which refer to the ease of Norway, Norsk-Hydro. This fact is based upon the following reasons: It has not yet been possible for me to make the trip to Oslo, Norway, which was approved by the Tribunal. The Military Government, at first did not approve the journey because we had no foreign exchange. We asked to get foreign exchange from friends of ours, and we hope that in spite of everything, it will be possible for us to make the trip.

However, so many formal difficulties are involved, so many applications to be made to various consulates, and so many papers have to be filled out for the Military Government, that we can only hope this journey will be undertaken before the end of the trial. I, therefore, would ask the Tribunal to permit me to present the evidence in the case of Norway at a later time, that is at a time when I can tell what document material I shall have at my disposal for the presentation of the necessary evidence.

In connection therewith, I should like to make the following request, and I think this is also a sound suggestion. Combined with the last outstanding document book concerning

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Norway, I should like to offer some other documents which I expect from abroad, for instance, from the United States.

In view of the delay in correspondence, it will take some time before that material gets here, and finally, I have a small number of other documents unich come from Germany, which I want to present to the Triounal in one document volume at a later date.

Regarding the period of time by which the evidence is to be submitted, I would be grateful to you, if you would give me a generous period for the presentation of such evidence, especially in view of the fact that most of my document material refers to foreign countries. I may perhaps suggest the date of May of this year, at which time perhaps the trip to Norway will have been completed. That is my suggestion.

THE PRESIDENT: Counsel, you have surely acted with promptness in getting your ten books processed. There has been no delay in the trial on that account. The Tribunal is anxious that there be no accumulation of a large number of documents, that might be calculated to delay the conclusion of the evidence, but without imposing any deadline on you, whatever material, within reason, that you can get before the Defense rests its ease, will be received by the Tribunal, and if the Tribunal can do anything to help you in getting your documents from foreign countries, we shall be very glad to give you whatever support we can along that line, particularly in dealing with emerican agencies where perhaps a letter from the Tribunal might be of some service to you.

will be very glad to cooperate with you and help you in any

way that we can.

May I say during this interruption that another thing you have done, that the Tribunal regards as very helpful, is the summary of the contents of your books, by which you have indicated the groupings of your documents. We have found that very helpful and we appreciate the manner in which you have presented your documentary evidence.

DR. MATH: Many thanks, Your Honor.

In conclusion, I should like to offer Ilgner Document Book No. 10. This is the last volume of documents which I shall submit today. At first I shall turn to Ilgner Document No. 164. This is an affidavit of Edward Schuermann, the head of the administrative department, Berlin NW 7. The witness describes the generosity Dr. Ilgner showed in treating his French prisoners of war, and Italian refugees, who were active in his office. I beg your pardon, they were Lithuanian refugees.

This document will receive Exhibit No. 165.

The next Ilgner Document bears No. 165. It is an affidavit of Malter Bochma, Chief of the Farben Building Department. He discusses the same question concerning the treatment of foreign workers by Dr. Ilgner. This document will receive Exhibit No. 166.

Turning to the next page of the index, you will find Ilgner Document No. 166. This is an affidavit of Otto Troppenz, former Buergermeister of Bugk. Bugk is the place where Doctor Ilgner's evacuation office was located.

The document speaks for itself and it will receive Exhibit No. 167.

I shall now turn to the next document, No. 167. This is an affidavit by the Lithuanian citizen Stasys Kuzminskus, of England. During the war the affiant was employed at Berlin No. 7, and later he hald a job in the Evacuation Office of that department. There he had to take care of Lithuanian refugees. He describes how Dr. Ilgner took generous measures with respect to their housing and food and with respect to every social care necessary. Dr. Ilgner was also praised by French prisoners of war as being a man of good heart. This document will bear Exhibit No. 168.

I shall now turn to the next document, Ilgner No. 168.

This is an affidavit of the former French prisoner of war, Pierre

Bachelot. He worked under Dr. Ilgner in the Evacuation Office. The

affiant confirms that he and his comrades were excellently treated

by Dr. Ilgner and that Dr. Ilgner, contrary to legal directives, did

many favors for them. The document will receive Exhibit No. 169.

The next but last document is Ilgner 169. It is an affidavit by the Deputy Counter-Intelligence agent of Farben NW 7.

This is an affidavit fo Dr. Ruediger. The affiant refers to Prosecution Document Exhibit 1311. He confirms that neither he nor Dr.

Ilgner were informed of the contents of Ordinance No. 13 of the Plenipotentiary General for Labor Allocation, dated the 1st of November,

1943. This document will bear Exhibit No. 170.

My last affidavit in this book is Ilgner No. 170, which is an affidavit by Heinz Karl Fanslau. He refutes the assertion of SS-Obergruppenfuehrer Oswald Pohl, who had not known the defendant Ilgner before the collapse in 1945. This document will bear Exhibit No. 171.

This brings us to the and of Document Book 10.

This is the and of the case on behalf of Max Ilgner.

THE PRESIDENT: Thank you counsel.

DR. PRIBILLA (Counsel for defendant Jashne): May it

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please the Tribunal, I intend to commence the case on behalf of the defendant Jashne by calling the defendant Jashne to the witness stand as a witness on his own behalf. Simultaneously with his examination I intend to present those documents to which the witness may refer.

I have submitted three document books, and before starting I should like to clarify one little matter. May I ask whether the Tribunal has all of these three books?

THE PRESIDENT: We have the three books.

DR. PRIBILIA: May I ask you to open these books? I have also made that correction in writing, but I thought that it would expedite matters if we made the changes together here.

I am referring to Book 2, page 4 of the index; page 3 ended with Document 36. On page 4 of the index, 39 should follow at the top; 38 is there instead. Would you be good enough to correct these five numbers? That is page 4, from top to bottom. That is to say: 37, 36, 39, 40, and 41.

If you now turn to page 1 of the index of Book 3 and assign the number 42 to the first document on that page, everything will be in perfect order.

THE PRESIDENT: That is 42 instead of 37?

DR. PRIBILLA: That is all.

Would you plasse have the defendant Jashne brought to the witness box?

(FRIEDRICH JAEHNE, a witness, took the stand and testified as follows):

THE PRESIDENT: Mr. Defendant, would you please raise your right hand, say "I," and state your name for the record?

WITNESS: I, Friedrich Jachne.

THE PRESIDENT: And now repeat after me the oath. ...

swear by God, the Almighty and Omniscient, that I will speak the pure
truth and will withhold and add nothing. (Witness repeated the oath.)

You may be seated.

## DIRECT EXAMINATION

## FRIEDRICH JAEHNE

BY DR. PRIBILLA:

Q Mr. Jashne, for the record, would you please state your full first and second name?

- A Friedrich Jashne.
- Q Whars were you born?
- A In Mainz, on the Rhine.
- Q How old are you?
- A I am sixty-nine years of age.
- Q Would you place briefly describe to the Tribunal your professional davelopment and career?

A After having made my matriculation at the secondary school, I spent one year at a machine factory, as a worker. Then I absolved my military series with the navy. This brought me around the world, and, among other places, I spent one year in China. Afterwards, I studied machine construction, and in Berlin I passed my exemination as a Diploma Engineer. I commenced by professional activity with the Siemens-Schuckert Works in Berlin.

My inclination and talent were in the field of physics and technical plant management, and I was always a plant man from that time on in chemical factories. At first I was with the Dautsche Sodawerks, and then with the chemical works of Griesheim. Later these were merged with the Farben plant Griesheim Elektron. Then I was a chief engineer at the chemical factory of Hoenningen, and from there I went to the celluloid factory near Mannheim.

From there I want to the dyestuffs factories of Leverkusen as chief engineer. In this position I had to take care of the
inorganic factories as plant engineer, and later I took over all the
production plants at Leverkusen. During that time I had the opportunity to observe the structure of leading chemical factories in
England, France and Italy.

In the year 1932 I took over the management of all the engineering installations of the Hoschst plant. I became Deputy Vorstand Head in 1934 and in 1938 I became a proper member of the Vorstand.

In Hosehst all the technical angineering departments were subordinated to me, numbering two thousand men altogether. My main task was to utilize all angineering and technology to the fullest production of the plant. For that purpose all technological auxiliaries were investigated for their appropriate use for our chemical production.

It was always my motto that physics of today means technology for tomorrow. That is how the first electron microscope for Hoschet came about for consumers! industries.

Then I had to investigate any materials which were to be of use to the plant, from a chemical and mechanical point of view. In chemical plants high temperatures and high pressures merge, and wear on the apparatus.

Must take into consideration that in Farben approximutaly 300 million marks per year were expended for repairs alone
in their various plants. One of the most important tasks of the
engineering department was making available sufficient amounts of
power. I.G. Farben used about 10,000 billion kilowatt hours per
year. If you compare this figure with the amount consumed in public
electricity works in Germany, you will find that they had 82,000
billion kilowatt hours. That means that Farben consumed about
twelve per cent of the total. Farben, being a consumer of power,
therefore, was predominant in the expansion of high pressure steam
technology in Germany.

Q Mr. Jashns, I deduce from your descriptions that your talents were mostly in the technological field. Did you have any further interest beyond that, for instance, in politics?

A No, technology was my passion, and up to my advanced aga now it has always remained my passion. In politics I was only

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interested as it is usual for any normal citizen of a nation. Up to 1935 I was a member of the People's Party, which was a democratic party of bourgeoise circles. The program of that party was in accordance with my personal way of thinking, and later I found many friends in that circle with whom I maintained connections at all times.

DM. FLIBILLA (Counsel for defendant Jaehne): Mr. President, at this point I should like to submit the first affidavit: It is Document 1 from Book 1. It will receive Exhibit No. 1. This is an affidavit by the Acting Mayor of the city of Frankfurt who has known hr. Jaehne for a long time and who testifies on his personality and political attitude. In connection with the same subject, I should like to offer Document 42 from Book 3. That you will find on page 1 of the volume. This document will receive Exhibit No. 2.

## BY DR. PRIBILLA:

- Q. Mr. Jaehen, may I assume that your rise in the Farben industrie was based merely upon your achievements in the technological field?
- A. Yes, it seems so. I had no relatives in Farben who in any way helped me. I don't know any other influence which was not based upon material achievements.
- Q. Within Farben, did you play any part beyond that of your task as a technician?
- A. No. You must consider that over 1,200 engineers were active in Farben who had had academic training. Through their technical hands expenses went for which they had to be responsible, which extended to one and a half billion marks per year. You must consider that, as a member of the TEA, as a chairman of the TEKO, and as a representative in Farben-naingay, I had many important tasks in other technical organizations. That crowded my time to its fullest extent, and I was not in a position to concern myself with any other fields.
  - Q. Within the Farben organization you were a member of the TEL?
  - A. Yes:
- Q. What was the significance of the TEA office, as far as it has not been described here already?
- A. Dr. Ter Meer testified about the task of the TEA Office generally, and I need not repeat what he said. I think, however, that something must be said about how the significance of TEA changed as time progressed:

One has to distinguish between three periods of time: First, the period of time before 1935; second, from 1933 up to the outbreak of the

war; and, third, the period during the war.

ith reference to the first, before 1933, TEL was practically the decisive agency deciding upon investments, and therewith the business policy of Farben. The experts, production commissions subordinated to it were dependent upon TEL. The Vorstand, above TEL, had no expert organization, apart from the TEL, which could in any way influence its decision.

"ith respect to the second phase, from 1933 up to the outbreak of the war, the significance of TDA changed gradually. (a) It changed because the authorities imposed secrecy obligations on a number of technical experts. I may mention Pistor for Bitterfeld and Aken. (b) The authorities generally interfered to a large extent with industry. The allocation of steel, iron, and building materials could only be achieved only from the authorities if the products to be produced were in line with the requests by the authorities. With respect to the third phase, one must say that all investments were made upon orders. The work in the plants, the construction of which was ordered by the authorities, had started at a time even before the TEA had knowledge of such plans. The TEA then acknowledged the entire sum of expenditures, sometimes amounting to hundreds of millions. The responsible technical expert then approved the individual expenses as the so-called preliminary credits within the framework of the entire expenditure. That meant that the TEA was merely playing the role of a recipient of orders, who only received their information subsequently.

The government told Farben what had to be done, and the TEA had to do with it what it could. If anything went wrong, as for instance the time when Leuna was destroyed by air attacks, then the industry was held responsible by Goering, who shouted at them. That, in my opinion, was the reason why ter heer wanted to stay in Italy. He didn't want to be the recipient of orders of blown-up laymen and people who didn't know their jobs.

<sup>1.</sup> Mr. Jaehne, what was your special task in the TEA?

A. At first I was the only engineer in the TEA. Later, from Sparte One and Sparte Three one engineer each was added. I had to report on general engineering questions concerning Farben, in particular on industrial production by Farben and on our relations and differences with the public producers of power and fuel. I reported on experiments and research in the engineering and technological fields. I was in charge of technological credits, and I think that about comprises my tasks.

I neither want to enlarge nor belittle my position here. I am only interested in clarifying exactly what my position was. I was the expert technologist who was asked how a certain technical problem could be solved technically. That certainly was an important function, but it was very clearly limited.

- Q. In addition to that you were the chairman of the TEKO. That did you have to do there?
- A. The TEKO was comprised of the chief engineers of the various plant groups of the so-called works combines. The TEKO had to set the credit demands in the technological field, that is, to assure availability of power, transportation, etc. This organization had to see to it that the experience of any one plant was utilized for the entire concern of Farben. They took up position with respect to proposals for promotions of engineers; they laid down directives about the best way to construct factories; and they dealt with the patent registration of a technological nature.

I think that it would be helpful to clarify the sphere of tasks of engineers in Farben generally and the tasks of the TEKO in particular. One must distinguish between production plants, production plants are plants for the production of specific products, for instance, a sulphuric acid plant. And then again there are general plants. To these general plants belong water plants, power plants, store rooms, railroad plants, etc. When setting credit demands for production plants the engineers and specifically the TEKO had nothing to do with the question of whether the plant was to be constructed and what product was to be produced. The Production Commission was the one which dealt with these matters. The

That referred to the production plants. With respect to the general plant, however, the TEKO uttered its views in every case and also said whether or not they thought that the plant was actually necessary. Naturally this concerns such plants where credit demands were necessary. That is to say, in every case where Farben itself had to pay the money. In the case of such plants where the Reich expended the money, we naturally had no voice with respect to utilization.

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Q .- Were you the superior of the engineers of all plants?

A.- No, the large plant groups had their specific chief engineer of whom I was not the superior. They were always subordinated to the respective head of the Torks Combine. The TEKO, as the name shows, was a commission, that is to say, a technical working community which had regular meetings, and I, as primus inter pares, was the chairman.

O.- Mr. Jachne, I should like to clarify that. That, for instance, would have happened had you and the chief engineer in any one works combine agreed about one problem and the superior of that chief engineer — that is, the head of the works combine in question — was of a different opinion?

A.- In such a case, I could not make a decision myself under any circumstances. I had to try to reach an understanding with the head of that works combine by way of negotiation. Naturally, I could also turn to the TEA. Perhaps the TEA could make a decision, but perhaps not. Probably the TEA would have deferred the entire matter. Bosch once said to one Farben man, "Te are not a court of arbitration here."

C.- Your Honor, with reference to Jachne's attitude and with reference to TEKO's tasks, I should like to submit one document. This is Document 45 which is in Book III on page 8. This will bear Exhibit No. 3.

Hr. Jachne, well, that was your position within Farben generally, and what was your position with works combine Paingau?

A.- First of all, I was the chief engineer of the works combine Maingau. I already mentioned that at the outset of the examination. In addition,
I was the deputy of the head of the works combine Maingau.

O.- What authorities were connected with this position as deputy head of the works combine Maingau? Were the individual plants of this works combine independent, or how was this organized?

A.- The Maingau plants did form a works combine, but every plant itself was independent. Every plant had a chief, a leader, according to the 23 March-A-FI-18-2-Gaylord (Int. Ramler)
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law for the order of national work — that is to say, a plant leader. Naturally, they had to keep within the framework of the directives which had been issued to them from superior agencies, that is to say, directives which applied to Farben generally. In other words, I had no right to issue directives, but I did have the obligation to see to it that the general Farben policy was adhered to at these plants.

O .- What was your position in the Hoochst plant?

A.- As deputy plant leader of the Hocchst plant, I had to represent
the plant's leader, Professor Lautenschlaeger, during his absence. On the
whole, I was informed by him about all important events. Naturally, he did
not give me details. During Professor Lautenschlaeger's absence, I settled urgent matters myself and decided upon them.

Q.- That was your position within Farben, Mr. Jachne, the Prosecution has submitted a document, MI-9761, Prosecution Exhibit 298. It becomes apparent from that document that in addition to your position in Farben, you held a number of offices and honorary offices outside of your activity within Farben. Is that true?

A.- Yes, I was the president of the technical commission of the society for the prevention of accidents in the chemical industry. I was the deputy chairman of technical supervisory association. I was the chairman of the technical supervisory association of Frankfurt. I was the deputy chairman of the Dechema, that is to say, the German association for chemical machinery. I was a member of the presidium of the German Normen Committee, and I was also chairman of the Reich x-ray office and various other technical organizations. All that was in connection with my position with Farban. Farban, naturally, was at the head of the chemical industry in Germany with respect to its chemical and technical connections; that is to say, their collaboration in every field was widely demanded. Since I, as an engineer, had an important position with Farban, my collaboration in public life was often desired in my capacity as an expert.

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Q.- Mr. Jachne, in summary, may I repeat that all these offices were assigned to you on the basis of your expert knowledge in the chemical and technological field and on the basis of your position with Farben.

A .- Yos, that is true.

Q.- Wasn't it true that in the Third Roich such positions were only assigned to politically reliable people?

A.- As a rule that was true, but I already hold those positions before the Third Reich came into power. I retained these positions because one couldn't very well surpass Farbon. In the final analysis, one cannot proceed in the field of technology without people with expert knowledge. The Party had no choice but to use a person who in their sense of the word was not reliable. Finally, I received many a position because of the very reason that many circles in industry thought that I, not being a Nazi, would be more efficient and would not be blinded by Party ideologies.

Q .- In other words, you say that all your positions and honorary positions had nothing to do with any political opinions on your part?

A.- Yes; subsequently I often experienced it that I was called upon only whenever my advice as an expert was needed. In the case of political decisions, however, I was always circumvented. I believe that the Party was very sensitive as to who was internally a Mazi and who rejected its principles. I think they were more sensitive than the Prosecution in this sense who try to put everyone into one big pot.

Q.- But you were appointed to the position of Wehrwirtschaftsfuchrer during the war — military economic leader. Don't you remember that regulations were submitted by the Prosecution according to which a man who was appointed as Wehrwirtschaftsfuchrer by the OKW had to be investigated politically as to his reliability? How about that? How did that apply to your case?

A .- I was not appointed by the OKW but I was appointed by the Reich Mimister of Economics. At the time of my appointment, it was a title with which 23 Harch-A-FI-18-4-Gaylord (Int. Ramler)
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no activity whatsoever was connected — a title which needed no preliminary investigation as to so-called political reliability. I would even go
as far as to say that the Gauleiter certainly whould have kept this rank
away from me because at that time every leading man in the industry was
a little suspect. But that would have been somewhat too conspicuous and
would have given rise to too much publicity.

Q.- Mr. Jachno, the Prosecution has submitted a document here. This is Exhibit 475, MI-5934. This exhibit contains a list of 42 experts who were appointed by Professor Krauch, the general planipotentiary for chemical industry. This is a list of 1943 and it bears your name as the planipotentiary for the Gebechem for power plants. The prosecution in their opening statement said that you were in charge of a technical group within the Economic Group chemical industry. How about that?

A.- That is an error on the part of the prosecution. They are somewhat confused. This position which the Gebechem assigned to about 42 people had nothing to do with the technical group of the Economic group chemistry.

Upon the request of Speer, the Gebechem had to appoint technical representative who had to assist him in the execution of his work. Of these 42 technical commissioners, I am one. I was not really a technical representative but merely an adviser on power plants, but I never really became active in that capacity.

Q .- In other words, that was merely a position on paper?

A.- Yos.

Q.- You were the chief of the industrial department of the economic chamber of Hess. How about that appointment?

A.- I was personally acquainted with many gentlemen from industry, in particular, because I was always interested in apprentice education in industry. In that connection, my attitude towards the Party had always become known. The appointment came about upon the instigation of industry, which thought that I would oppose any unwise actions by the Party.

- Q. You were also a member of the advisory council of the Reich Group Industry. In the indictment, this Reich Group Industry is charged with the planning and mobilization for war. The prosecutor, in his opening statement, also mentioned your name in that connection. How was that?
- A. My position as head of the industrial economic chamber was automatically connected with a membership in the Reich Group Industry.

  I did not op ose my appointment into that capacity because I thought that I would be able to support the Reich Minister of Economics, Mr. Schacht, whose opposition to the Party was very well known.
- Q. Did the Reich Group Industry have anything to do with the planning and mobilization for war?
- with industrial mobilization. Thatever the presecution itself has submitted here about Mob plans shows that this mobilization was done by the economic groups; that is, in the case of chemistry, the economic group chemistry and not the Reich Group Industry. I think it was a great deal if I attended a meeting of Reich Group Industry three or four times. A trip to Berlin was not always pleasant and I only attended these meetings if I could combine such attendance with business obligations there. During these meetings, as a rule, one could hear a speech by a Party man which was held with a great deal of Pathos but very little conviction. The whole meeting actually meant that the people present were informed about regulations or directives which had been issued. It was forbidden to voice any criticism because of the Fuchror principle, and at the end everybody was thanked for their information, and then everybody was allowed to go home.
- or were you active in any other way in one or the other of the honovery offi.
  in any essential way whatsoever?
  - A. No, I was never active in the advisory counsel of the Reich

Group Industry. There was really no activity for all these members of the advisory counsel. The whole thing was confined to three or four meetings a year, as far as I remember. As I said before, speeches were made, and that was the muthod which was used at the time. The orders which were issued by this group were so stupid that the industry had a great deal of trouble in trying to interpret these regulations in such a way as not to do too much damage. Naturally, one could put questions, but one could never change the principle. As head of the industrial chamber of trade in Frankfurt, I naturally had a somewhat greater influence, but there I always tried to defend the interests of industry against interfering agencies not belonging to aconomy. For instance, I recall the endeavors of the labor front to got hold of all the apprentice education and to use all the youth for their purposes. I had to intervene where the labor front tried to close industries and shops and plants which were not favorably disposed to the Party and bacausa they didn't pay an aigh dues, and matters of a similar nature.

Q. Your Honor, in this connection I should like to submit two documents. At first, I should like to submit Document 43, in Book III, Page 2. This document is to receive Exhibit No. 4. It is an affid wit of Rudolf de lo Roi, who was the former business manager of the industrial department of the Chamber of Industry and Trade for the Rhine-Main area. He describes in detail how Mr. Jachne was appointed the head of the industrial department of the chamber of trade. I quote one sentence, "The appointment of lar. Jachne to the chief of the industrial department was not made upon the suggestion of the NSDAP but upon the suggestion of industry, who considered director Jachne, in spite of his membership in the NSDAP, as a person who was not bound by Party principles. He was a man in whom they showed great confidence." The industrial department of the Carmber of Communes was also the district representative of the Reich Group Industry. Consequently, it was connected with the head of the Reich Group Industry, and that is why the head of the that group was asked to become a member of the advisory counsel. On page 3, the witness gives us a number of

examples which show the distrust with which Mr. Jachne had to cope as a result of his attitude.

The second document which I should like to submit in this connection will be Decument 3 in Book I on Page 7. This is an affidavit of Dr. Otto Eckhard, who says on the second page, I quote ---

THE FRUSIDENT: That was document 3 in Book I?

DR. PRIBILLA: Book I, Exhibit 5.

THE FRESIDENT: And will become Exhibit 5. Thenk you.

DR. FRIBILLA: I should like to quote a sentence on Page 2 of the Affidavit. "Director Jackne was was offered many honorary offices. He never refused his assistance where he saw that as a result of a reasonable political attitude his influence could perhaps save senething for industry. Cries for help to him mostly came from sides who suspected danger, whenever the danger existed of the party gaining increasing influence on the economy by the appointment of Nazi sympathizers."

ir. Jachne, but you, yourself, did become a member of the Party, did you not? For what reason?

A. Since June 1938 I was a member of the Party. I became a member after Gauleiter J. Penjer asked me to join through one of his representatives. I became a member retreactively from the first of May 1937. In April 1947, the de Mazification board of the English officer at Duesseldorf, 318 Military Government Detachment, made a decision and I was informed that, "He may retain his present position." The Spruchkammer has put me into the category of these not incriminated. Even if that does not show very much, one can deduce from that that the English and Gorman agencies arrived at the conviction that I was not a Nazi. Now you ask me why I joined. As I said before, the occasion was the direct request by the Gauleiter. My way of thinking and all my feelings were opposed to that course. But then I held an important position and I had to follow reason. Heason told me that it would be senseless to ram one's head against the wall. You do not hurt the wall but the head doesn't fore so

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well. Had I said, "No, " I would have had to count with it that within a very short time I would have to give up my position. Remaining in my position, I would be in a position to help many people, and I also considered it an important principle to help others. I think that as a result of my decision to join the Party, I was able to help many people.

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- Q. Dr. Jaehne, this decision by the Denazification Court put you into Category 5, as one not incriminated, in other words, exonerated?
  - A. Yes.
- Q. Over and above your formal membership, were you ever active in the Party in a political way?
- A. No, never. At that time, as soon as I entered the Party I told the representative of the gauleiter that as a result of my profession and honorary activities, I was not in a position to attend meetings nor would I be able to hold any positions in the Party.
- Q. Independently from any general political activity, did you within the framework of your activity in Farben, and as a deputy plant leader, make the principles of the Party your own and did you advocate them to your subordinates?
- A. No. I think the contrary is true of myself, and my entire department was known for that attitude throughout Farben.

DR. FRIBILIA: Your Honors, in connection with that subject, I have received a number of affidavits, some of which came to me without my asking for them, which have been incorporated into the document books and which I want to submit into evidence formally.

Firstly, I am referring to the affidavit Wucherer in Book I,
Document No. 2. I shall offer it as Jaehne Exhibit 6 without quoting from
it.

In the same book, on Mage 10, you will find the Document Mo. 4, which I should like to submit as Jachne Exhibit 7. This affidavit is interesting because Erisbois was a former delegate of the Central Party of the City of Hoschot and because he discusses the question of the approntice education. This question of influencing the youth in Nazi ideology was particularly dangerous. Brisbois says on page 1 of his affidavit, "Jachne often told me that many orders were now being given, stating that the main thing for apprentices was their ideological training. He told me, however that he insisted that the you thought training should continue to take the

first place." ir. Jackne managed to keep Mr. Brisbois contrary to the desire of the Party to get rid of him.

The next document in the same book is Document 5. It deals with the very sime question. I should like to submit that document as Jiehne Exhibit 8. It is an affidavit of Diploma Engineer Hermann Veith. Since 1932 he was the Chief of the Hoechst Training Center. Jaehne managed to keep him contrary to the resistance by the Party and I should like to quote one sentence from page 2 of the affidavit which shows Dr. Jaehne's attitude: "When apprentices were taken on, all that Director Jaehne asked was that the bosy should be of good character and have the ability to become efficient workers. Although the DAF demanded that the apprentices taken on should be members of the Party or of the Hitler Youth, it did not make any difference to Director Jaehne what political trend the boys or their relatives followed."

The following document of the same book No. 6, I shall submit dealing with the same subject and will assign to it Exhibit Jachne No. 9. This is an affidavit of Siegfried Kieskalt.

The noit document dealing with the same subject is Jaehne No. 7, which will receive Exhibit No. 10. This is an affidavit of Karl Joeidel. He especially deals with Jaehne's attitude at the end of the war. It that time the destruction of all plants was ordered. He says and I quote, "Although those were orders which were important for the carrying on of the war and their non-observance could have led to the most severe punishments, Herr Jaehne quite openly directed, in the conference which was subsequently held, that as little as possible should be carried out."

I should now like to submit the next document dealing with the same subject, Jachne, No. 8, which will receive Exhibit No. Jachne No. 11. This is an affidavit of Heinrich Humann. He too emphasizes Jachne's attitude toward the end of the war and he states at the end of this affidavit, I quote: "When the American Army was moving towards Frankfurt on the Hain, Herr Jachne pleaded with the Gauleiter for the point of view that

the defense of Fr. nkfurt would be senseless. This happened at a time when statements of this kind were dangerous and an expression of lack of will to resist was liable to punishment by handing."

The next affidavit in connection with this subject is in Book
III. It is Document 44. It will receive Exhibit No. 12. It is an affidavit
of Hormann Einsler.

- this subject, the Mazi activities: The prosecution has submitted a document, MI-5868, Exhibit 85. This is in Prosecution Document Book IV. These are minutes of a technical committee meeting of Hoechst and the following is quoted. It says: "Steps are to be taken against the contempt shown for the German greeting." Couldn't one conclude from that statement that Maziism was officially supported in the plant?
- A. No. A reasonable man who knew the conditions as they prevailed at the time would come to a different conclusion. He would come to the conclusion that there were many people in Hoechst who thought that this Party gesture of raising the right arm, which was imported from Italy, was entirely ridiculous and they clearly showed their tendency to that effect. I remember that they complained about that at great length. Whenever somebody loudly greated someone else with "Heil Hitler," the other person would always point his finger to his forehead. Of course, when the Party noticed that, they interfered and they asked the Works management to see that it would be stopped and that is the sense of that phrase.
- Q. The prosecution then said that for the Gau-Day of 1935 a building of the plant was to be placed at the disposal of the Purty. Mas that in support of the Party?
- A. Well, you are quite right; it looks like it and it was intended to look like it, but just imagine what our situation was at the time.
  Hoechst is not a very large city. There were no hotels there. If any
  meetings took lace in Hochst to which many people went, then all these
  people had no choice but to turn to the plant and ask them for their
  assistance. That, as a rule, happened when the functionaries where people

who were also employed at the plant. It would have been impossible to deviate from that habit when the Mazis came to power and to refuse that request would have been an open declaration of war and the case was too insignificant to do that.

- Q. A further rosecution exhibit, 86, NI-75869, also deals with a Directorate Heeting at Hoechst. In that document it is stated, and I quote, "The leading mentlemen of the plant are to attend a series of lectures of Professor Terner dealing with the book, "Hein Hampf."
- that impression. One couldn't simily say that we were not going to follow this request by the Party, but had you been present during this mosting, you would have known how reducting were to attend any such Party functions, to which very few reople actually went and I do not even think that the lectures ever took place. Then you can see that the party considered it necessary to make a specific request to the leading gentlemen. Otherwise they thought nobody would come and that is the reason why they approached us. Naturally, none of them on his own initiative ever had the idea of attending a lecture on "Mein Kampf."

THE PRISIDENT: It is time for our recess, (A recess was taken.) THE HARSHAL: The Tribunal is again in session.

BY DR. PRIBIPLA: (Attorney for the Defendant Jachne)

Q. If. Jackne, during the recess I glanced at the Prosecution documents and I found out that in this chapter, particularly training of the youth was especially emphasized by the Prosecution; particularly by Prosecution Exhibit 89, Document NI-4840, and Exhibit 177, Document 15884 which concern themselves with this training of apprentices, and you are brought into connection with this because it is alleged to have been said that the technical consistee was recommending the participation in the training course of the Dinta, in which the training was in an ideological field. Perhaps you can comment upon this matter.

A. This belongs to the large chapter of the struggle of industry against the efforts of the party and the labor front. The entire training of apprentices and with it the greater effort of these agencies. the party and the labor front, was, to get the training into their hands. I ask the permission of the Tribunal to go into some details here. I think that without exaggeration I may say that in this struggle of industry I, was the representative of I.G., and of the technical committee, I was on the front linesof the struggle, and I think I was successful too. First of all, a clarifying remark. Dinta means institute for technical training. Its director was a Professor Arnold who founded the institute in the 1920's; later on he had to leave it up to the German labor front. The German labor front now tried through the Dinta to take over the whole program of apprentices and to carry it out in their own places. In Frankfurt, as the director of the industrial department, I made it impossible for them to do that. I did this by removing the ground from underneath its own training agencies. The technical constittee was of my opinion in the whole question. The training agencies. The technical committee was of my opinion in the whole question. The training of apprentices had to be done practically in the plants. We succeeded in getting Dinta to limit itself to the

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ideological field. Therefore, the technical committee no longer had to be afraid that the influence of the plants would be taken away from the technical training of the apprentices. We were not afraid of this ideological training if we had the apprentices in our plant the whole day and if the man who trained them was the proper man. In the Minutes of the technical committee, submitted by the Prosecution, there is proof that our opinion was victorious because the professional training was thus taken away from the labor front.

- Q. Ir. Jachne, in the same Prosecution exhibits it also talks about the demand that the directors of the training agencies had to adhere to the government. What do you have to say about that?
- A. That was a very general regulation which was valid for the entire industry. The labor front represented the government in this respect, and it was in charge of the distribution of the apprentices. One had to apply to them if one wanted to get hold of apprentices at all, but what we did was something entirely different. I retained the director of the apprentice institute, Pfiat, who was not a party member, and whose removal from the German labor front had always been demanded and kept him in this position even though there were considerable difficulties. Finally, the labor front put one of its own men into the place and watched him closely, but the man remained where he was.
- Q. If. Jachne, if you did not agree with the Nazi ideology, didn't you at least agree with the power politics of the German Reich which later led to war?
- A. No, I did not. I did consider it reasonable that unemployment would be ruthlessly removed; I also approved the rearmament to a
  certain extent because I am of the opinion that a soverign state should
  also have the possibility of defending itself against attacks from other
  people. As for the power politics of the Third Reich, asit was expressed
  in the militarization of the Rhineland and the anti-contractual attitude,
  I never approved. I wished that through the objection of other states

that this policy would be stopped so that the whole thing might have then collapsed. The nonsense of the living space idea I also rejected because it all people acted according to that principle, we would continously have war.

Q. Did you recognize that the Nazi power politics intended and planned aggressive war?

A. No. I could not do so at that time. Contradictory to that were solomn assurances of the Fuehrer which were also believed by leading politicians in other states. I could not do so because in the field where I was well informed, for example in Farben everything spoke against that; Farbon built a dyestuff factory in England; it delivered the plant to England and helped build a magnesium factory; in France it built a factory for the production of sulphuric acid for the French government. I personally was concurred with making the final preparations for the international settlement emgress which was to meet at the end of 1940 in Munich. Finally, I had seen enough of the world and I was sufficiently a technician to realize that war was so senseless for Germany that one could only expect it of a madman, and I did not consider Hitler as such at that time. As a technologist I figured out that against us would be arrayed a power ten times as great as ours because the number of human beings on the other side was twice or three times as large, and those people also had three or four times the amount of horsepower; for example, America had about eighty million tons of steel annually, and in Germany it was at the most twenty millions.

As for gasoline, at best Cermany had eight million tons. America alone had eighty million. I knew that a war of the future was a war of technology. At the very beginning of the war I calculated all this as is well known. Therefore, I could not believe in that.

Q Mr. Jackne, the prosecution has introduced a number of exhibits about the fact that you, in your capacity as Chief Engineer at Hoechst, were actuve in the field of anti-aircraft protection; especially Prosecution Exhibits 171, 172 and 177. Were you active in the field of anti-aircraft protection?

A Yes. According to the directives of the German authorities I was active in this field. Not only in the Hoechst plant, but for the entire Farben company. The THA had made me a specialist expert for this field for the entire Farben company. I am very grateful to the prosecution that it has introduced so many valuable documents in this respect. In this respect, it deviated from its usual policy of only submitting incriminating documents because, in this case, it has only submitted exonerating material and has refrained from submitting any incriminating documentary material. I shall list the incriminating material in a minute, but I would like to make one preliminary remark. If I had really believed in a wer, then whatever I did in the field of antiaircraft protection would have been a big mistake because all that I did finally had as the result that the plant staff was not protected after all. And now the proff from the documentary material submitted by the prosecution, namely that I never promoted the work in this field but stopped it. Exhibit 172, Document Book 7, I quote: "The directives issued by the Reich Association of Industry are to be carried out in Farben as far as this is possible without expense." Well, without expenses one cannot do anything. Exhibit 173, Bo k 7, from the session of the "cchnical Committee: "The entire expenses of Farben amounted to eighty thousand marks at that time." At that time, Farben had a staff of about eighty thousand people. The installations certainly had a value of more than three million. In other words, with eighty thousand marks -

that is one mark per person, eighty thousand people, and a value of over three million Reichsmarks was to be protected. Exhibit 172, Book 7, Directorate Session, Hoechst, December, 1936; "Application for credits for antiaircraft protection, fifty thousand marks. Another application. forty-two thousand marks." They were set aside. They were not approved, that is, and the work which was requested was not carried out. Exhibit 174, Document Book 7, Technical Committee, 18 September 1933: "The amounts set aside for all the plants for the purpose of antiaircraft protection of alto ether one hundred ninety thousand marks seems too high." Exhibit 178, Book 7....

- Q Mr. Jachno, please pardon me for interrupting you. The interpreters told me during the recess that they think it's better if you cite the specific places. Please be considerate until the interperter has found the back and then quote it. Perhaps you could repeat the last one. Which exhibit is that?
  - A Exhibit 178.
  - Q Book 77
- A Book 7. Session of the Technical Committee of the 25th of September 1934: "Request for air raid protection are so strong that discussions have to be made about the effects with the Central Reich Committee."

  The purpose of this conference was certainly not to increase the requests further. Exhibit 179, Document Book 7, page 59. "Special Session of Main Group II."
  - Q English page 32.
- A I quote: "Jehne reports on air raid protection questions. It is doubtful whether they will be carried out, etc." Also the prosecution witness made statements to this effect. I don't think that I have to add anything.
- Q Perhaps you could briefly tell us how you considered this whole air raid protection and what the opinion was in Farben about it. Did they consider this an active or passive measure?
  - A I'll try to be brief because the field has been gone into in so

much detail that I feel I am boring the Tribunal. It is only a question of the passive air raid protection. Since no one thought of an imminent war, very considerable pressure was necessary on the part of the authorities in order even to carry out certain passive air raid protection measures. These, first of all, consisted of certain organizational measures being taken such as grouping the employees into certain groups. Then the procuring of gas masks. We needed them anyhow and we always had them for the protection of our staff when there were disturbances in the plant as chlorine or sulphuric acid or with the fire engine or in case of explosions for instance with chemical plants such as happened at times. In this field Farben had to show something. The Roich Group Industry had a difficult position. It was supervised by the Reich Air Ministry. If not onou h was done, this handing over of the air raid protection to the Reich Group Industry would have gone back to the Ministry as it always wanted it. In other plants there was, of course, not much to be seen, but because of the fact that we had the protection for our staff for other accidents, we were able to show something. Thus we made a lot of s ow as far as that was possible,

Q Now, the Hocchst plant, as the prosecution Exhibit 172 shows, was a so-called suburb for the other plants as far as the air raid protection field is concerned. Did it remain that way?

A That was in the beginning. It did not remain that way. The development was as follows. In the beginning, Farben was able to build one or the other installation on its own part, but this changed soon. The authorities gave orders and with these orders there were also orders for these new plants. Namely, that when building these new plants the necessary air raid precaution installations had to be added. Thus this field was taken out of our hands and the funds for those installations were provided by the authorities and the Technical Committee or I, as its chairman, could not do anything further. The reason why Hoechst was made a suburb was that various I.G. agencies, where a special pressure was exerted by the local authories, could say that this must first be examined and I saw to it that this remained in a general frame.

- Q. Now we come to the field of the so-called mobilization plans. You worked on mobilization plans in the saingra works that is plans which provided for collaboration with government agencies in pracetime, especially about what plants were to produce in case of a var, is that correct:
- The such productionary measures and regulations of the ehracht for industry are generally taken in all countries of the world. I, on my part, as f r is these plans are concerned which happened on the order of the authorities, have established what was to be done in my plants what coal in power quantities were necessary, what was needed in this respect by the remain shops, and so forth. The prosecution does not like to hear it today if one says enything as to that happened after themer. But if one seas that the same thing happens not, the same thing thich is did before that if it may say that I was glad to see, when I not read in american newspapers, that not in a gigentic extent that is happening what we tried to do in such a deficient manner at that time.
- . In. J. shoe, were these active or passive measures for they thinking of an agressive war or a defensive war or what was the idea?
- a protection for the staff if there were any attacks. That we ourselves would defend against attacks, for example air attacks or anything, there was no such thing.
- . Lr. Jeehne, I did not as a the fir reid protection. I meant the so-c liked production plant.
- .. To, is fires the production plans are concerned the ide. was this. It had to be established what, in case of need, the chracht would require, and we drew up these plans in order to maintain our old production if a cable, and we also had to cold borate here because those people.

who were not in this field of production which the 'ehrascht wanted, would have been taken way from us during the war and this protection of our plant and of our old production was considered by us when the mobilis thom plans were first drawn up.

- Q. The plants in Germany were divided into two large groups one, the ones which were important for the life of the nation and for war, and then the pu ely armament industries. To what group did the localist Plant belong?
- A. Hoschst is not an armament plant but it was one which was necessary for the life of the nation.
- Q. Did you consider the preparation of these production plants as preparation for an aggressive war?
- and one could not conduct a war with such production plants. for other things were necessary. But I did not know bout that then.
- . .r. J. shae, I shall come to snother chapter. You were the deputy manager at Moschst. In order to get your position quite clear, as acially for the question of the leadership of the foreign vorkers, it is important what Hoschst produced. Could you tell us briefly about the production program at Hoschst?
- industry as far is main products are concerned. Inorganic products such as sulphuric each, chlorine, sodium, hydrochloric acid, nitric each, intermediate reducts for dye-stuffs, dye-stuffs, especially high product dye-stuffs, solvents, lactuar, plastics, textile auxiliaries, such as detergents, then fertilizers and medicines, salvarsan, pyramidon, hormones, and vitamines thich became well known all over the world. Outside of certain sall out nitities of smoke agents nothing was produced for the armament industry.
  - . 'h t about this latter product?
  - A. Smoke gents were developed in localest during the First orld ar

and their employment had been suggested then. I think it was first used in the battle of the Skagerrak. It was a substance which would produce a smoke screen in order to make those invisible who did not want to be seen.

- Exhibit 110 according to which hexogen is supposed to have been first developed in Mouchst.
- which had long been known happened before the period when professor
  Lautehschl eger and I were in charge of the plant. When we, in 1936,
  after the double of Farmann, took over the plant management, they had been completed. During our time no such experiments were any longer made.
- the war?
- nor before that nor efterwards.
- . Your Honors, about the subject hexogen I would like to offer two documents from Book 1. Document Number 10 is Jachne Exhibit Tumber 13. This is an iffidavit of Heinrich Greune, the former director of the Central Laboratory of the former I.G. Plant Hoechst. On page 3 he gives a detailed description that within the customery research work in the year 1935 a chemic of the Hoechst plant developed a new process for the production of hexogen. That was at the time when neither Professor Lautenschlagger or .r. Jachne had the responsibility for the plant. The effight further states -- rather he describes the process that were later developed to other plants but had nothing to do with Hoechst. The next affidavit, Document Joehne Mumber 11, thich I offer as Jachne Mumbit Author 14, is an affidavit of Dr. Grottenelli. This man is an It lian chemist. I offer it as proof that si il r work on hexogen was also done in other countries. Thus he says on page 1 that, as early as the cour 1928 a new process was invented in Italy which was putented as a new process in 1931. He emphasizes on page 2 th t there were no rol tions between the Italian firm and Farben in this field. And in the final sentence

of his affidavit he says, and I mote: "Apart from Switzerland, and there especially via the Mitro-Penta — hexogen had been produced to a small extent on a pilot plant basis since 1937 in France and in Ozecho-slovakia — here in Pardubica which was under government control." has Jachne, the production program of Hoschst which you mentioned before — did this change essentially after 1933?

small. Is for as I recall from 19.3 to the end of the wor it was about twenty-six million. That is about ten percent of the work of the entire peacetime installations in Moschst.

- Q. In this connection I would like to show you Prosecution
  Enhibit 595. This is Document NI-5896, Book XXXIII. According to that,
  in the Technilogical Committee Session in 1937 a Mr. Staib said that
  the nitrogent departments show a very great increase in deliveries, in
  shipments; thus in 1936 thirty carloads daily but in 1937 one hundred
  twenty-seven carloads daily were supposed to have been loaded. This was
  nitrogen that was produced in Hoechst?
  - A. Yes.
  - Q. Was this nitrogen for the production of emplosives?
- A. No, this is shown by what you have just said. High grade, highly concentrated nitric acid is used for explosives. This is a liquid which is shipped in a special type of car. The designation "freight car" shoes that in this increase of the shipment it was a matter of fertilizer. There were not enough special cars for the shipment of nitric acid. They had to be made of aluminum and it took six days to ship them and there were 762 such aluminum cars needed and we did not have those.
- Q. Mr. Jachne, I must come back to the smoke screen agent. The Prosecution has introduced a whole number of exhibits. I would just like to list them: Exhibits 87, 113, 124, 136, 137. This smoke screen when was this material developed and how long was it produced exactly?
- A. I think I strendy mentioned that it was developed during the First World War and in very small quantities. It was produced currently; namely, whatever our 100,000 arms or our navy ordered. The entire production of this smoke substance in relation to what Hoechst produced altogether was so small that it is hardly worth mentioning.
- Q. Mr. Jackne, in the Prosecution Exhibit 272, Document "I-6633 a enterprise for GM-I plants in Roschst is mentioned. The Prosecution especially emphasized this strange and secret designation. Plants tell us what this is all about.
- A. Gi-I means nitrogen oxydul. It is the well-known laughing gas. It is not a poison gas. It was to be used to increase the capacity of

certain times of motors.

- Q. How was this technically employed? How was it used?
- A. The part of the motor which was to absorb oxygen was connected with the oxydul bottles and the oxygen in the nitrogen oxydul would increase the oxygen in the air.
  - Q. Thank you; I think that suffices.
- DR. PRIBILIA: Your Honors, I would also like to offer a document about this. This is from Book I, document No. 9. This is offered as Exhibit 15 for Jeehne.
- Q. Mr. Jachne, enother Prosecution Exhibit 31, Document NI-6500; this contains a letter of the Seles Combine Chemicals of 1938 to Farben and it concerns Tutogen. Would you please tell us what Tutogen is?
- A. Tutogen is a fire extinguishing substance. It develops a form and thus cuts off the oxugen from the fire. Thus, the flame is extinguished.
  - Q. Could one do something else with that, something more dangerous?
  - A. I can't imagine.
- Q. What about Di-Mitro-Benzol? Of this, toop smoke quantities were supposed to be produced in Hoschst and Griesheim. Is that an explosive?
- A. No. Di-Fitro-Benzol does not belong to the explosives. In peacetime it was used as an intermediary product for dyestuffs. During war time it was filled into granades but this was not our intention when we produced Di-Fitro-Benzol as an intermediary product for dyestuffs and I think the Wehrmacht didn't enjoy it either because it reduced the explosive power, but it had to be used because one did not have enough genuine explosives— for example, Tri Mitrotoluol. The cavity which was left in the granade had to be filled up with Di-Mitro-Benzol but Di-Mitro-Benzol could be shipped via railroads without special precautionary measures and the Accedent Prevention Association of the Chemical Industry which, of course, had very strict regulations for explosives, did not even include Di-Fitro-Benzol in these precautionary measures.

In every factory which wented to produce this intermediary product, it was produced without any precentionary measure, without any special regulations. In other words, Di-Nitro-Benzol was not an explosive.

DR. PRIBILLA: About this I would like to introduce Jachne Document No. 12 which becomes Exhibit 16.

Q. Mr. Jackne, enother Prosecution exhibit, 1823, Document No. 12,739
- this is supposed to show a connection between Hoechst and the firm
of Kalle & Company. What type of connection is that and what is it all
about?

A. As a result of the local proximity of the two plants, Kalle in Biebrich and we in Hoechst always assisted each other. At that time, as I have found out here, Hoechst was supposed to see to it that employees of Kalle who were in need of a rest were to be sent to a home in Soden with which Hoechst had close connections. Any other close business relationship with walle did not exist.

Q. Mr. Jachne, about the group of the Maingau Works, there are two plants in Grieshein that belonged to this group. The Prosecution now said that you were supposed to have special relationship to one of the Grieshein plants. Would you please tell us what relations these were?

A. Griesheim Autogen made a certain type of apparatus for Autogen technology. It was a machine factory. As such it was always subordinate under a machine engineer. I had the overall direction. That means the director Professor Holler, supervised the current production. He could make suggestions to take up new products, to expend the production capacity; and the running business there — the decisions about that lay with me as the overall manager since I was responsible in the Vorstand for the proper management of the plant.

- Q What did this Plant produce in peace and what did it produce in ver?
- A In war as well as in peace, it produced machinery for the Autogen meta; work that is apparatus and machinery which, with the help of the exygen flame, was supposed to work on iron.
- Q But this plant in Griesheim was an armament plant in the narrower sense of the word; how did that come about? How did this plant become an armament plant?

A In the course of the war, the plant became an armamont plant. Its production was of great importance for the entire iron production. It was important in the work in iron to maintain this contact with this industry. Rather, the necessity of the megal industry, because it needed the apparatus of Griesheim. That caused the fact that this plant became an armament plant. For us it was a great advantage because thereby Griesheim-Autogen received more material, more apparatus, and its employees were better protected.

- Q Did you consider an employment of prisoners of war as permitted in this plant?
  - A Yos, of course,
- Q Did it not virlate Article 31 of the Coneva Convention? I would like to read you this regulation. I quote: "The work to be accomplished by prisoners of war may not, of necessity, be directly connected with the war; especially it is prohibited to use prisoners of war to produce muritions or to transport munitions or any armament which is destined for the fighting troops".

A Cricsheim\_Autogen did not produce anything which was destined for the combat treeps. Welding apparatus one cannot use to short with, and they have no connection with the combat of the war. Of course,. I can imagine that in military plants such welding and cutting instruments are used just the same as a hammer, but they do not fall under the Geneva Convention either.

Q Was the complying with the Geneva Convention controlled in these plants?

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A Yes, the Wehrmacht did that through its officers who guarded the prisoners of war.

DR. PRIBILIA: Your Honor, I do not want to make any more statements about that, but I would just like to introduce two short documents in Volume 3. Document, JachnetMo. 55, page 44, which becomes Mo. 17, an affidavit of Alexander Wiegand. The next document is Jachne 56, which becomes Exhibit 18. This is an affidavit of Dr. Hermann Hollor, the former head of the Griesheim-Autogen plant.

Q Mr. Jachne, I now come to the count of the Indictment, spoliation.

We have heard the testimony of the witnesses Szpilfogel and Schwab, and
we have seen the documents, and in this entire subject there is one
remark that a container was brought to Offenbach and this come from the
works Wola. Of enbach belonged to the Maingau plant. Did you know anything about this container?

A No, I only heard about this in Nurnberg: namely through the documents of the Presecution. It is correct, to be sure, that the works Offenbach, which bought this container, belonged to the Works Combine Maingau, but the plant had an independent management, and of course could get independently, when there were small purchases.

The purchase of a used boiler, if I remember correctly of 1 cubic meter, for about 300 marks, belonged to those things which the plant manager was able to do independently. I repeat that I was not questioned about the purchase of the boiler, but after examining the document, and after receiving some information from the then manager of the Offenbach plant, I would like to say that Offenbach did not have the slightest thing to do with taking over Wola, Offenbach had bought a boiler, and had paid for it. That was something which happened every day.

DR. PRIBILIA: Your foners, about this incident, I would like to submit one document for Book 3, Document 48, on page 19. This will be Jachne Exhibit 19. In this document the former manager of the Offenbach plant gives exact information about the purchase of this boiler, and emphasizes particularly that this was a purchase which he carried

out, which he was able to handle within his own independent position without bothering to question anyone about it.

He said literally, and I quete: "I do not recall that I ever asked
Professor Lautonschlaeger or Horr Director Jachno about this
purchase, or that I gave them any special message about it. There
was no reason to do that, because I was an independent plant manager.
This was too small an object, and a matter of very little importance.
Of course later an application for credit was handed in about the whole
matter, but as far as the applications are concerned, it was not customery,
to report about the origin of the object purchased. Furthermore this
application was after the purchase, so that this purchase could not
have been revoked."

Q Mr. Jachno, Mr. Hagenboocker speaks here of a credit demand for the entire plant. Can you tell me what the relationship was of the briler to the entire plant, approximately?

A Oh, it sight have been one-eighth of the amount of the entire plant.

Q Mr. Jachno; during the war, the exygen plants in Diedenhofen were 1 ased. In this connection the Presecution has frequently mentioned your name. There are some circular letters which were addressed to you. What did you have to do with this matter at all? I mean purely organically speaking.

A Puroly organically speaking I had nothing to do with it. This was a commorcial transaction. As everyone knew, I was in charge of the technical part of the exygen field in Farben. I knew about this lease, because the business men, as seen as it said, "exygen" in a contract, informed me about it.

Q Mr. Jachno, I want to ask you very specifically, leases and sales contracts are matters for lawy rs and for business; therefore, I want to ask you again, did you participate in the leasing negotiations?

A No, absolutely not. The negotiations were carried out by the Sales Agency chemicals, but the then director of this agency, Weber\_Andreae.

You can gather this from all that is contained in the document books of the Prosecution. Circular letters about this were sent to me, but as far as I recall, I did not do anything, as a result. It did not belong to my task to take care of commercial matters.

Q Do you recall what was written to you at least in broad outline, - what was the reason for these negotiations? Why were these plants to be made usable?

A During the war much had been destroyed in Alence, specially transportation facilities, bridges and so on. In order to remove the
rubble very quickly, and in order to reconstruct these transportation
facilities, rebuild them, we needed exygen to burn through and to weld.
Therefore the people who were in charge of the administration of the
eccupied territory pressed for a quick restoration of the exygen
plants which had been evacuated by the Frenchmen.

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It was completely impossible to transport these quantities of exygen to Alsace because of the transportation situation.

Q In reference to these oxygen plants, did you become active apart from the negotiations upon taking them over?

A Yes, considerably so. As a technician I looked after the restoration of these plants, and I made the necessary people available for that. I recall exactly that these started this technical task with great ambition. In the oxygen plants under my direction they sometimes did more than I liked to see. They searched for spare parts which I needed eyesle, and they took them along and used them in the building up of this oxygen plant in Alsace.

What happened with the oxygen? What was done with the oxygen after these plants were put back in operation? Did the oxygen go to Germany?

A No, the entire production, as it did in peacetime, remained in Alsace Lorraine. It contributed considerably to restoring the plants there and in getting transportation running again, and thus to maintain peace and quiet in the occupied territory.

Q As for the facts which you have heard these oxygen plants in Alsace Lorraine, were they of such a nature that somehow it occurred to you that this spoliation or plunder?

No, this could never occur to me. From what I heard about the negotiations of these businessmen, I saw that everything went according to order, and I saw that very appropriate prices were established for these plants. Furthermore, Farben did not remove anything; it brought a lot of things to the plants. The production remained for the requirements of this area. According to the documents about Dieuennofen and also about the second plant, Strasbourg-Schiltigheim, which is mentioned in this connection, we took over the plants in a sad state. Then we left them they were very valuable. I really cannot see anything as far as plunder or spoliation is concerned, as the Prosecution claims.

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DR. PRIBILA (Counsel for the defendant Jachne): Your Honors, you will find details about this in two documents in Book 3, Jachne No. 16, on page 13, as Exhibit 20, and the next document, Jachne No. 17, which becomes Exhibit 21. Particularly in the last affidavit of Director Wucherer it is confirmed on page 2 that the machines of the plants mentioned had been brought to the interior of France so that only the buildings were left. When the works had been put back into operation, the production marrely served to maintain industry in Alsace Lorraine. Export to Germany was not intended, and did not come about. Froduction was merely applied for the interest of Alsace Lorraine. BY DR. PTIBLEA:

Q Another point. Mr. Jachne, Prosecution Exhibit 370, Document NI-6086, in Volume 15, contains the minutes of an AK Meeting of 8 July, 1941. In this, Mr. von Schnitzler reports about the inspection of St. Clair du Rhone by a technical commission. The Prosecution quotes this in connection with you.

Is this the Technical Committee, and did you participate?

A No. As I was able to determine from the documents, this is a technical commission which was merely formed for this one purpose once, and which was composed of expert chemists. In plants for dyestuffs, if one wants to judge the dyestuffs production one does not send machine engineers but dyestuffs chemists. Therefore, this must be a mistake.

Q I come now to the employment of foreign workers. The Prosecution claims that the TEA and the TEKO, because of the approval of the barracks building program, had cooperated in forcing foreign laborers to perform slave labor. You, Mr. Jachne, belonged to these two institutions and you were chairman of the TEKO. Please tell us in how far the Technical Committee cooperated in approving this building program.

A The TEXD examined from an engineering point of view whether the credit demands were appropriate, whether these barracks were appropriate, particularly whether kitchens, medical facilities, etc., facilities. The barracks really became decent housing. Mostly, they were the uniform barracks in which our sons were housed in the Reich Labor Service.

Q At this point I introduce a document from Book 1, page 40, Document No. 14, which will become Exhibit No. 22. This is an affidavit of the former businessman in the Engineering Committee, Mr. Eckardt.

I would like to quote one sentence from page 1. "The applications for loans for billets and huts were only passed on to TEKO when the Social Corwittee or the office of Bertrams - Dr. Schneider had given an opinion on the need for huts. The Technical Committee then gave an opinion from the engineering point of view on the suitability of the proposed method of construction."

Mr. Jachne, could one not have simply rejected these demands for funds? And what consequences would that have had?

A Po you mean for the workers? Then they would have been left without any housing. The do you mean for the Technical Committee?

That would have been a clear case of sabotage during the war.

Q Do I understand you correctly when you say that the approval
of the barracks only could be of advantage to the workers, but purhaps
by rejecting the barracks one could have pretended the whole employment
of foreign workers?

A According to the regulation for the employment of foreign workers by our Government, this was entirely out of the question. It would have done of lot of harm to those people responsible.

4 Mr. Jachne, the Prosecution has mentioned indetail in the trial brief the schools for foreign workers. 't refers particularly to the minutes of the Technical Committee of the 14th of December, 1943, Prosecution Erhibit 1319, Volume 68, English page 41. Under No. 12-F with find the following: "Schooling for workers. Priess' reports about the schooling of workers in Prussels."

23 kar.48-A-6J-27-4-Schwab-Court 6 case 6

This has long been in operation already and is completely installed."

Then it is also stated that there are many difficulties at the time because the trained personnel often does not go to Germany but that they flee.

What do you know about that, and what did you have to do with these schools for weekers?

A I personally had a negative attitude to these workers' schools, which was in conformity with my entire attitude on the question of foreign vorkers. The TEKO, had to concern itself with this because in the new plants thre was a great lack of skilled workers, and this made every continuation of construction and the maintenance of the plant impossible. Since Sparte III was the field of Mr. Riess, and since it had very few orders of a high priority, it was in the worst position because of the ruthless employment of drating of skilled workers, and through its chief engineer, Riess, it had installed schools for skilled workers abroad.

DR. PRIBILE: . Tr. Jachne, I think I am going to interrupt you here. Perhaps we shall continue about this tomorrow.

The PRANDENT: The Tribunal is in recess until nine o'clock tomorrow morning.

(The Tribunal recessed until 0900 hours, 24 March, 1948.)

Official transcript of Military Tribunal VI, Case VI, in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 24 March 1948, 0900, Judge Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Hilitary Tribunal VI is now in session. God save the United

States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may roport, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are present, except defendants Lautenschlaeger and Haefliger, who are absent, due to illness and defendants Oster, Mann, and Gattineau, who have been excused.

THE PRESIDENT: Are there any preliminary announcements from counsel? What says the defense? Anything from the prosecution?

You may continue, Dr. Pribilla.

FRIEDRICH JAEHNE - Resumed

DIRECT EXAMINATION - Continued

BY DR. PRIBILLA:

Q lir. Jachne, first of all I want to begin the continuation of your examination with the question which is still unanswered. This deals with the problem of the Vorstand responsibility. Are you in a position to tell the Tribunal and us whether apart from the Vorstand members who are here in the dock, there were any other men who were members of the Farben Vorstand, who are still living today?

A Yes. First of all there were three members of the Control Committee, Professor Dr. Paul Duden, Kommerzienrat Dr. Wilhelm Gaus, and Dr. Karl Krekeler. The latter is mode now, but he was still living when the indictment was served. Regular Verstand members were Max Coenen, Dr. Constantin Jacobi, Dr. Wilhelm Leheefer Professor Dr. Kurt H. Meyer, George Molnar, Kurt Oppenhaim, also deceased now, but he was still living in May, and Dr. Philipp Ott. No. I must correct myself here. To my recollection Dr. Ott is not living any more. Dr. Gustav Pistor, Dr. Richard

Weidlich, Friedrich Weskott, Professor Dr. Hermann Barmhold, Now come the deputy Verstand members: Dr. Julius Abel, Engineer Adolf Kraus, Dr. Gerhard Ollendorf, the latter has died too since May, Dr. Otto Scidel, Dr. Paul Seidel, and Leopold Wiegand. That is all.

- Q Do you know the number?
- A Altogether, 19.
- Q Mr. Jaehne, we shall then go back to where we stopped yesterday, that is, the subject of the schools for foreign workers which were instituted abroad with the cooperation of the Technical Committee. Perhaps you can tell us briefly more about this subject.

A I personally held a negative attitude towards these workers! schools abroad. This was as a result of my attitude towards the foreign workers! question altogether. The Technical Committee, however, had to deal with this matter, because, especially, in the new plants, the lack of skilled workers was so great that any further building and even the maintenance of the plant became impossible. Sparte III suffered most of all from this shortage, because it had only very few orders which had a high priority. Therefore, in Sparte III, the skilled workers were most ruthlessly drafted. Therefore, its Chief Engineer, Mr. Riess, on his own, had instituted these schools for skilled workers abroad and he was very successful with them. Then the other plants gradually get into the same difficulties, they followed the example of Sparte III. The Technical Committee approved of this. We in Heechst did not get any, because we rejected it and we did not pay for it, because that was not very cheap.

DR. FRIBILIA: Your Honor, about this subject, I would like to introduce two documents from Volume III. This is Document No. 52 on page 32. This will be Exhibit Jachne No. 23. This is an affidavit of the ir. Riess we just mentioned who started and who managed these workers schools. Mr. Riess says personally on page 2, "Director Jachne had a negative attitude towards the foreign workers' school abroad," and he also gives the reason for that, I quote: "It entailed so much expense

that it was only decided in favor of very reluctantly." Purther down on the page, "The aim was to guarantee foreign workers a thorough technical training free of cost and then to employ these skilled workers in Germany. The schools were erected entirely at our cost with the cooperation of recognized contractors in the country concerned. The rooms, tools, social accommodation, washing and bathing facilities, living rooms, etc, were provided to our expense. Machines, tools, appliances, etc., had for the most part, to be brought from Germany since they were not to be had in the country concerned." On the next page, up on top, "The people were recruited on a voluntary basis. They received full wages during the training."

About the same subject is the next document in the same book.

This is Document No. 53, which will become Exhibit No. 24. This is an affidavit of Mr. Otto Einsler. This man was Director of the Engineer Department of the Works Combine Niederrhein, Lower Rhine, of Farben.

He confirms in this affidavit that the attached report is an original report of Main Group III during the war about the workers schools abroad. On page 2 of the affidavit I would like to quote one sentence from this report. It says there, "Thus, for the first courseof our mechanics school in Copenhagen, a selection was made from 502 applicants, of which 32 men were chosen." He says further, "This was an exception. Nevertheless the following should be observed, that the applications to the schools were much more numerous than the capacity to accept that many applicants."

- Q Mr. Jachne, I now come to the foreign workers employed in Hoechst itself. It is a fact that foreign workers were employed in the Hoescht plant. Who was the responsible plant manager of the Hoecsht plant?
  - A That was Professor Lautenschlaeger.
- Q Would you say, ir. Jachne, that you as Deputy of Professor
  Lautenschlaeger had his responsibility, or, shared his responsibility, in
  the field of the employment and the caring for the foreign workers, or
  didn't you?

A Yes, I gladly and with a good conscience can take this responsibility. Professor Leutenschlaeger always informed me about this question in broad outlines and we were always in agreement about it.

Q Professor Lautenschladger, in an affidavit submitted by the prosecution — this is Exhibit 1358, Document NI-6415, has made a few not quite clear statements about the employment of foreign workers in the war production. Therefore, I must ask you one more whether weapons and munitions, or anything also which is mentioned in Article 31 of the Geneva Convention was produced at the Hoechst Plant.

A No, Professor Lautenschlager in his affidavit speaks of armament production. This is a very flexible term, and these concepts and words were always confused in Gormany. In the final analysis in modern warfare, the entire production serves the maintenance of the combat power of the Army. Especially in Gormany during the war, only that was allowed to be produced which was considered as important for the war and vital for the country by the authorities. Professor Lautenschlagger in his exaggerated consciontiousness fell victimto the very wide spread belief. Heachst outside of these few smoke screen agents never produced any war material. Everything had been built up for peace time production and therefore foreign workers could not even be employed there in a forbidden position.

4. In the \*ffid\*vit just mentioned, Professor Lausenchlaeger says
the direction of Hoeseht had welcomed the employment of foreign workers.
Was that true:

A I personally would not have formulated it that way. The facts were as follows: Hoochst redeived production orders from the authorities. On the other hand, the workers were drafted. Therefore, this production requested by the authorities was reduced and this led to repreaches made by the authorities. In this situation it was suddenly said we were getting foreign workers. They were supposed to help us. That of course eased our situation somewhat and we would welcome that. I, as the man who mainly had to do with the plant, did not welcome this, because I know that this would give us a lot of work and trouble.

DR. PRIBILLA: Your Honors, we have documents about this subject:
They are all statements of employees of the Flant Foechst, who describe
in detail the situation in which the plant found itself at that time and
who show in detail what difficulties, what considerations, what misgivings
provailed in the plant at that time when the employment of foreign workers
was first mentioned. I do not want to quote from this. I would merely
like to recommend them to the Tribunel.

First of all fromVolume III is Document No. 54, which becomes Jachno Exhibit 25. This is an affidavit of Karl Gobhardt.

From Volume I now on page 72 I offer Jackne Document No. 6, which has already been introduced as Exhibit 9. It was merely the first part which was discussed then and now concerning this subject of foreign workers. I submit the second part of it.

In the same book on page 36, we have Jachne Document No. 13, which -I would like to offer as Jachne Exhibit No. 26.

Then there is a document from Book III again. This is on page 22,

Document Ho, 49, which receives the Exhibit No. 27. This is a compilation which the Director of the Welfare Department of the Hoechst plant made and which shows what additional expenses had to be made for the foreign workers and it lists these expenses per foreign worker per year. I must

make one remark about this. The Tribunal will surely recall that during the introduction of the prosecution documents I sometimes expressed misgivings about the index and then I asked that a question mark be put at the margin. Unfortunately, today I must make a question mark against myself. This is on page 4 of the index. There is misleading and I would like to ask that this be stricken. The sum of 2,877 marks refers to three years and not to each year.

About the same subject, three is another document from Book II.

This is Document No. 25. This is on page 1 of the document book. This document will become Exhibit 28. I would like to quote the first sentence from this. This is a letter of the Armament Detachment of Frankfurt of the Reich Minister of Armament and Munitions, and, in the first sentence it says, "It is impossible at present to assign German skilled labor or trained workers to the plants, since all of them, if they are not yet in the Mehrmacht, are amployed in key positions on work for the Mehrmacht or cannot be transferred for other reasons."

In the same book, the next document on page 3, which is Jackma No. 26, will become Exhibit No. 29. This is a file note of the Heechst Plant from that period, which also illuminates the situation very well. I would like to quote one sentence from the first paragraph: "We pointed out that it is impossible for us to reach the production set us by government orders and that we are also unable to observe the deadlines for the completion of new plants."

- w. (By Dr. Pribilla) Mr. Jachne, how many foreign workers approximately were working in the Hosehst plant?
- A. The entire steff of Hoechst amounted to about 12,000 men.

  During the war it remained the same as in reactine. Of this total of 12,000 people during the entire period of time, there was an average of 2,400 foreign workers. The maximum number of foreign workers amounted to about 3,000.

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- Q. Mr. Jackne, I show you Exhibit 1362 of the prosecution from Volume 69. There is a tolegraphic request in this from the Hoechst plant in which 1,000 foreign workers were requested from the Gebechem for the maintenance of the plant. Do you recall this matter and what is the reason for this request?
- A. Yes, the reason for the request was an inquiry by Gebechem as to how many workers we needed to maintain the plant. Since Gebechem was the one who was asking, it could only have been a question of voluntary workers who were leaned.

- Q. Did you know that at the beginning of the employment of the foreign workers that they did not come on their own free will?
- the volunt riness of the employment. The first foreign workers told me that themselves. I did not have the slightest doubt about it that the first had come voluntarily. It took a long period of time until we heard something that foreign workers who came later did not come voluntarily but that was not until a time when even in Germany the conscription for work had been introduced.

DR. RIBHLE: Your Honors, several documents from the period of time just discussed from Book II, first of all, Jackne Document To. 27, on page 6; this is to become Exhibit 30. It is an excerpt from the height Loor Gazette of 1941. On the next page of the same book, the same English page, we have Document No. 20 which will become Exhibit 31; also a document from that time, an official letter which treats of the employment of Telgium assemply firms; bout the same subject to also have a document from Eock I, on page 42; this is Jackne Dacument To. 15, which becomes I hibit to. 32.

- Q. Ir. Jachne, how were the foreign workers housed in Hoschst?'
- workers the usre temporarily employed and who came from assembly farms; either in the home for single people or in hotels; the larger art in barracks. These barracks, as I have already explained, were the same barracks at those in which our sons were housed the were working for the Raich Labor Service. They were large, roomy; they were heat blue, wortly with central heating; the families were together; the bedrooms had sleeping facilities, chairs, tables, washing facilities, closets, sufficiently clean, sand or facilities; special cleaning personnel paid by the plant took one to see that the barracks were kept clean and they say to it that there was a homey atmosphere; the surroundings of the barracks here kept clean and they say to it that there was a homey atmosphere; the surroundings of the barracks here kept clean and they say to it that there was gardening. The camps of the foreign workers were not provided with a fence, except those for reisoners of war; the prisoners of

mer; the prisoners of wer, in general, were housed in the same manner; of course, they were guarded by soldiers of the 'chrmacht.

- Q. Could the foreign workers move ir and freely?
- because then they mented to leave the camp, they needed a plas, but this was obtained tathout difficulties from the camp leader because, after all, the camp leader had to know who was absent from the camp.
  - Q. ...s the food sufficient?
- A. Certainly. . e had a very skilful men, ar. De Vrice, just for the purpose of seeing that the food was sufficient, and he was not limited in any vay an expenditures as for as seeing to it that food to servided. The only ctu. I limit tion was that one could no longer buy ever thing in the quantity desired. I recall that the director of the purch sing department, ir. Eruhns, came to see me one day. Ar. Bruhns, as well as ir. De Vriss, tasunder my over-all direction and he conclained about the powers of Ir. De Vries. He wanted to check up on him. I turned him eway, a noc ir. De Vries always had to be very quick about aking his purchases, and he had to develop his own initiative. His business was not juite free of danger because sometimes he acted against official regulations. He had to take over the responsibility for that hamself; as a Farben plant, we could not do such a thing. Of whatever was procured this may, proper meals were preserted, of course, and to sat to it that the foreign workers got them; there was a strict control for that. The chemist of the air raid protection service had to control every seel before it was handed out, and he had to mark it down; he had to confirm that control with his own opinion in a book; this part of the enti-air rotection was done very gl dly by everybody.
  - . ere there sufficient kitchens:
- ers' companiere used to accommodate the DF's. The american officer, a major hadig n, who took over the camp offer the capitulation, confirmed or certified that the feeding facilities were sufficient to feed fifteen

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  - . ore there sufficient kitchens
- ers' chaps were used to accommodate the DF's. The American officer, a labor hadig n, who took over the camp offer the capitulation, confirmed or certified that the feeding facilities were sufficient to feed fifteen

thousand people simultaneously, and we hardly ever had more than three thousand a day.

- 1. Did the foreign workers get ever thing that they were entitled to, especially the additional heavy workers' ration?
- A. Hes, they got that just as the Germans did who had these ration cards. Only in the case of the Russians were there certain restrictions in the beginning on the part of the authorities, but because of our additional warehasts, we exhalized that and if that also was difficult, we rowided it from our own agricultural facilities. We had a farm near Roechst so that the foreigners received daily at least 2,500 calories, and this with sufficient we ntities of meat and fat.

DR. FRIBILE: Your Honors, about this subject I would have to offer a number of documents, beginning with Volume I, on page 46. This is Document 16, thich will become Exhibit to. 33. This is an affi wit of Dr. Frank Briess. This man describes in dot il how he took care of the depertuent for foreign workers within the social welfare depertuent. I would like to wote from page 1: "On this occ. sion Frof. Lautenschlager gave me a general survey of the position with regard to the employment of foreign 1 bor, and pointed out that grant efforts had been a de constantly to improve the food and accommodation of the foreign workers. Te attached great in ortance to my continuing the work on these lines and to do everything possible. If more money was needed for the purpose, I should apply to him for the sum in every case. During my time Prof. Lautenschlager a de sure for himself of the care taken of the foreign workers by alking unamounced inspections every month of the conditions and the coo modation and food of the foreign workers and visited the camp and catering establishments with me. He always attached great importance to the fact that the hygienic in tall times and equipment for the medical care of the foreigners were beyond approach."

he have the next document in the same book, Jachne Document No. 17, which will become Exhibit 34. This is an affidevit of Nr. De Vries, whom

r. Jackne just mentioned. Mr. De Vries also recalls when the foreign workers caps in Hoechst were taken over by the American troops, and the recognition which was paid to the installations in Hoechst. Then, he gives specific details, and on page 2, at the bottom, he says: "The food was perfectly adequate." This is on page 49. " hen, in September 1942, I took over the management, plant manager Prof. Lautenschlaeger and Department Chief, Dr. Hirschel empressly told me: You can have all the money you need. Buy whatever you can; expense is no object. If these people are to work for us, they must be decently fed. No restrictions were ever imposed upon me by these officials where money was concurred.

I was not even obliged to account to then for the extent of my expenditure."

Intitle further down in the same page: "If any opportunity rose for me to make additional purchases of ration-free goods, I prespect that without hesitation and expended many hundred thousand marks on it."

I ship one sentence: "In Pesson to had a reputation for the best cooking in the neighborhood, and we were attacked by the Labor Front and also by cavilians for giving the foreign terkers better food than the civilian population could normally procure."

On the 4, et the bottom, that is page 41: "Together tith two cooks,

I have the list thich shows that was currently supplied to the foreign
borkers in one week."

Then, on page 5, there is a menu.

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Next, we have a document from Volume III, page 24. This is

Jackne Document No. 50, which will become Exhibit No. 35. This is

another affidavit of Mr. De Vries. In this he has reference to the

certificate given to him by the competent American officer who directed

the camp for the accommodation of DP's later.

In the same book we have the next document, Jachne, Document No. 51, on page 27. This will become Exhibit 36. This is again an affidavit of Mr. De Vries, who has reference to a number of original menus. I don't want to quote anything from these menus; they speak for themselves. I would just like to ask these menus not be read with American eyes, but with European eyes.

Then, from Book I again, also as regards the food, on page 5h, we have Jacke Document No. 18, which will become Exhibit No. 37. This is an affidavit of George Noll who was one of the people who supplied the Hoochst foreign worker's camp with food.

The next document is in the same book, Jachne Document No, 19, which will become Exhibit 38. We were fortunate enough to be able to find one of the Russian cooks who cooked for his countrymen at that camp. This is Mr. Snessarev. "e says on page 2 of his affidavit, the second paragraph; this is on page 57: "In my opinion the food was sufficient and those who did not have enough at the moon or at the evening means could obtain second helpings from the food left over. In any case, I could see for myself that all of them were healthy and by no means lest any weight."

On page 60 of the same book we have Jachne Document No. 20, which will become Exhibit 39. This is an affidevit of Dr. Robert Kraemer who was one of the chemists who regularly had to test the food of the foreign workers.

Then, there is one document from Book II, on page 38. These are two letters from that time which were written or which concern a foreign worker by the name of Langlois. It is Jeehne Document No. 37, which will receive the Exhibit No. 40.

On page 2, in the middle it says: "According to the report of Dr. Fuchs, the Frenchman wants to rent a furnished room; "this is on page 39. Even though he has to leave our camp a momodations and gets less food. This foreign worker, of course, continued to receive the same ration card which he was entitled to, but this shows that if one was living in the Camp Hoechst one received even more food.

Coming back to Sook I again, on page 74 we have the second part of the Document Jachne No. 8 which has already been submitted; that is Exhibit No. 11. This is the part which concerns itself with the foreign workers, and it was only separated from the first part for reasons of arrangements of subject matter.

Q lir. Jachne, was care taken to see that the foreign workers were properly clothed and that the clothing was repaired or mended?

A Yes, it was seen to it that the people received sufficient clothing; every worker, no matter whether he was a German or a foreign worker, was issued working clothes. This was cleaned in the plant's own tailor shop and it was also mended. In the case of the foreign workers, after they arrived, we saw that many, especially the eastern workers, had very poor and very few civilian clothes, and we took care of that too. In the plant we started a clothing collection drive in order to provide these people with sufficient clothing. The NSV, the welfare agency of the party, delivered clothing to us for the use of foreign owrkers. For mending of these clothes, we set up repair shops in the camp in which foreign workers were employed.

Q Mr. Jachne, now I come to the question -- what did the foreign workers actually do; how were they employed?

A They worked together with the Germans, and did the same work,

even if mostly they did not accomplish as much. Before they were started on a job, they were examined medically to see whether they could

perform the work which they were supposed to do. Of course, as far as

possible, we used them in their own professions thus we used them

to the best of our advantage.

Q Did the foreign workers do any jobs in the Hoechst camp which violated article 31 of the Geneva Convention?

A In the Horchst plant this was impossible because outside of small quantities of smoke screen agents, we had no such production in Hocchst.

DR. TRIMILIA: Your Honor, in this connection I would like to introduce one document which refers particularly to the French prisoners of war. This is in Volume II, on page 41; this is Jachne Document No. 38, which becomes Exhibit 41. This document is interesting because it shows that the French prisoners of war who were in the Hoschst plant became civilian owrkers in 12h3 on the basis of an agreement made with the French government.

Q Fr. Jachne, on the subject of foreign workers, I must show you Exhibit 1361; this is NI-2829, from Volume 69 of the Prosecution. This refers to meeting of directors — I shall bring the date later — in Frankfurt on the Main, and contains the following contents. This is 22 of February, 1938. Pardon me, Your Honor, there is some confusion here. It must be a date from thewar; it is a mistake. I think I shall have to give it to you later. At any rate, it says in this session Firschel discussed details of the employment of foreign workers as a result of the new conscription. —t says there also female foreign workers who still perform expressly feminine work had to be transferred because eastern woman are used to do a man's work. Was this a regulation made by the direction at Hoochst, or, how are these minutes to be understood?

A. The minutes of this session are not to be understood to the effect that decisions of the Director's Recting have been made here. It was as follows: The expert on the subject made a report and this report was received for our information and that's how it was in this case too. The expert, a Dr. Hirschel, reported about the new order making labor registration compulsory and about a new government regulation according to which foreign female workers had to be transferred Only thus can these minutes be understood.

Q. Your Honor, I can now correct the date. It is a session of 22 February 1943.

Mr. Jachne, were foreign female workers actually employed for very hard work in Hoochst?

A. That is completely out of the question and it can easily be proved. I recall that Eastern workers were used in the dye stuffs storerooms. There the material was filled into boxes or tins, a work which had thus far been performed by men. We used Russian women for that. The work was done on a piece work scale and the Russian women actually earned more this way than the German men had done formerly. It was very easy work.

Q. Ir. Jachno, how was the treatment in Hocchst of foreign workers in general especially by the foremen?

A. Well, I can only say that Professor Lautenschlaeger, who was the plant leader and who was thus the man who had to see to this, is a physician. Professor Lautenschlaeger personally always saw to it and wherever he could do anything in order to ease the fite of these people he did so. Strict directives were issued on that score and those directives were always emphasized to the effect that foreign workers had to be treated decently and with an understanding for their position. The plant leaders had instructions to control this again and again.

Of course, no one was beaten. If this ever happened as an exceptional

case in a plant with 12,000 workers, it was severely punished if it came to the !mowledge of the management.

- Q. Your Honors, about the question of the treatment of the foreign workers in the Hoechst plant I would like to offer a few documents. First of all, from Book 2, on page 16, Document Jachne #29 which becomes Exhibit 42. This treats the labor protection of foreign workers. In the same book, on page 20, the next document, Jachne # 30 which becomes Exhibit 43, which especially concerns itself with Russian workers. In this connection there . is another document in Book 1 on page 77, Document #24 which becomes Exhibit #44, an affid vit of Dr. Ernst Engelbertz which concerns itself with the Griesheim plant especially. On the last page, page 3 of the document, Dr. Engelbertz says -- this is on page 79: "In fact, the plant management attached great importance to the foreigners being treated the same as the Germans; that they were treated decently and in conformity with the laws of humanity. For instance, the camp police and works police were strictly forbidden to beat foreigners. I only know of one case where this rule was violated. The works policeman concerned was punished and dismissed."
- Mr. Jachne, what about the working hours of the foreign workers?
  How was this regulated?
  - A. The working hours were the same as those of the German workers.
- Q. Oould one perhaps designate the work in the chemical plant as unhealthy?
- A. One hears laymen say that very often and, in earlier times, it might have been so. At any rate, in the Farben plants the work was certainly not unhealthy because they were installed according to the principles of hygiene. Proof of that is the relatively low rate of illness in our plants.
- Q. You said before that the families of the foreign workers lived together. Who looked after the children?
  - A. Well, only the Eastern workers really brought children along.

They came with their whole families. In the course of time, children also were added where there were no families. For all these little children there was a nice kindergarten with personnel from their own indigenous people. For the older children we had started a school with a Russian teacher. I think everything was done in this respect.

- Q. Wore young people between 14 and 18 years employed in the plant?
- A. Yes, a small number of them in the same way as this was admissible in cases of German young people of the same age, and according to the Cerman protective laws, with work which was easy and with the proper working hours.
- Q. Were children under 1h years of age cuployed in the plant as claimed by the Prosecution?
- A. In the Hosehst plant, on principle, no children were employed and this remained that way when the foreigners arrived with their children. But then came the mothers to us who were employed in the plant and said they wanted to have their children with them. That could only be done if one employed them as a matter of form. Of course, only with very easy work, such as messenger service. I saw them clean bicycles, for example. Thus the children received the food of the workers of the plant and they earned a certain amount. The few that I saw looked very well and everybody gave them something.
- Book 1 on page 70. This is Document A4, the first part of which has already been introduced and which has the Dahibit #7. It is again this foreman Brisbois who says, at the bottom of the page: "Some boys between the ages of 12 and 14 that is, about five or six of them were employed by us at the request of their parents, without strict supervision. They only did very little work, suitable to their age, which was more or less a farce in order to enable them to get the same extra rations as the grown-ups. The boys liked being with us and were jolly and gay."

Mr. Jachne, what about the medical care of the foreign workers?
Was this sufficient?

A. Well, I would like to say a few words about this chapter. Of all the claims of the prosecution in the documents I was most indignant about the affidavit of De Bruyan concerning the medical care in the Hoechst plant. Certainly, Professor Lautenschalaeger, who was the plant manager, concerned himself with all the tasks and all the work in the most conscientious manner. But, first of all, he was a physician and a human being and, as such, he really did take care of these people. He really did everything for the medical care of these people that was humanly possible. He personally checked up to see how his instructions in this respect were carried out and he personally did everything he could for the medical care. He even personally took care of the medical treatment of the foreign workers himself for months when, towards the end of the war, a factory physician was drafted, and he believed that without his personal help something might be overlooked. Fortunately, the specially excellent medical care at Moschst can be proved by documents and please don't be angry with me whon I say that whatever De Bruyn says in his affidavit about the medical care is a lie from beginning to end.

- Q. Apart from the plant physicians in the Hoechst plant, beyond the medical care in the plant, were there also hospitals for special cases?
- A. Yes. Our Works Clinic was very well appointed and it had all medicines and all medical facilities, but if we believed that outside of it there might be something even better and something more modern, then we sent these patients to these specialized hospitals. Even in small matters, people were sent to a specialist. Thus, here from the sick card of this DeBruyn, I have seen that he went to see a specialist to remove three warts.
- e. Mr. Jachne, this is the medical treatment at Hoechst. Was care also taken to see that accidents were prevented, especially in the case of foreign workers?
- A. Yes. I myself was concorned with the accidents because the prevention of accidents was any special hobby and my special field. I was the chairman of the technical commission of the professional association of chemical industry. In order to understand this better I would like to say that in Germany the enterprises of a certain branch of industry are combined. These associations have the purpose to prevent industrial accidents as far as possible. They bear the expenses for the cures if such accidents occur and they pay the victim a compensation for his inability to work if this is the result of an accident. The expenses of these professional associations are borne by the enterprises who are members of this association. I was with the chemical industry of Germany and in this industry I was the chairman of the technical commission. This commission issued the instructions by which accidents were to be prevented. As chairman of this commission I had, of course, to set up a model at Hoochst as far as preventing of accidents was concerned. I think I succeeded in doing that in Hocchst as well as in other Farben plants and in the entire chemical industry of Germany. After the first World War, the accidents were reduced to 50% in the entire chamical industry and this figure, during the war, hardly increased despite the large number of foreign workers, even though the foreign workers were not familiar with

the dangers and some were not accustomed to such work altogether. In Hosehst and in Farbon one took special care with the foreign workers. They were given instructions about preventing of accidents in their own language. One instructed them through interpreters continually. The origin of every accident was always examined and investigated and measures were taken to see that similar accidents would be prevented in the future. For this task special engineers were employed by Farben. The so-called Security Engineers, and all this resulted in the fact that the percentage of accidents in the unskilled and untrained workers was only very little more than that of the German experienced workers who were familiar with the plant.

- 1. Was care taken to see that the foreign workers were protected against air raids during the war?
- A. Yos, just as well as German workers, even though this was much more expensive because we had to provide an air raid shelter for the foreign workers, at their place of tork on the one hand, and frequently also in the place where they ate their meals or where they spent their free time and then, furthermore, in their camps for the night. I would like to emphasize here that we empressly permitted the foreign workers to use the only air raid bunker which we had finally completed building at the end of the war, even though this was actually prohibited and individual Party members made difficulties for us on this account.
  - 4. Was something done for the leisure time of the foreign workers?
- A. Yes, in a very generous mermer. Apart from their bedrooms, the foreign workers had certain day rooms in their camps in which there were newspapers and radios. There were libraries; movie performances and theater performances were given. They had their own orchestra for which we provided the instruments. On Jundays, of course, they had an opportunity to go to church. They also could participate in sports. It saw to it that they had the proper equipment?
- Q. Your Honor, a small cormule for what has just been mentioned is in Book 2, page 47, Document #41, which will become Exhibit 45.

That about leave or furlough for foreign workers?

- A. There was leave for foreign workers. Towards the end of the war, to be sure, at the request of the government agencies this was limited as it was limited for Germans. The Hoochst plant did not, however, carry out this blocking of leave very strictly. If any reason could be found to let the people go on leave anyhow, we helped them. Sometimes, of course, they were caught at the border and were sent back to us.
- Q. Did the foreigners have a wage which was similar to that of the Germans?
- A. Basically, yes. There was even a number of cases which were brought to my attention in which foreigners were better off then Germans. That led to objections by the German Labor Front but, nevertheless, we stuck to that because these wages were based on contractual agreements.
- Q. Your Honors, on this I want to introduce a document, Book 2, on page 22, Document #31 which will become Exhibit #46. This is an excellent example of a case in the Hoochst plant in which Gorman workers complained that foreign specialists received better pay then the Gormans who did the same work in the same department. The welfare department of the Hoochst plant, on page 3, on the 28th of Docember 1942, has commented on this in detail and it says, on page 3: "The fact that same foreign workers received more pay then our own workers is not now. Already in peace time the Work has caployed such workers and had to pay higher wages to those people. These differences are due to the fact that the special tariffs provide for higher pay in this case. This is not a disadvantage to the Gorman workers intended by I.G., but it is because of the mocessities arising out of the conditions and because of the various scales of skilled workers' wages."

I would like to make a brief reference to a document in Book 3 on page 11. There we find Page 6 of the document which has already been introduced - #95. This is a very interesting example which treats an incident when, after the capitulation, an American officer in the plant examined the conditions of labor.

THE PRESIDENT: It's time for our morning recess. The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. KPAFT: Mr. President, I ask for your permission to have Dr. Zugler excused from tomorrow's session for the preparation of his defense.

"HE PRESIDENT: The request is now granted. You may continue, Dr. Pribilla.

BY IR. PRIBILLA:

Q Mr. Jachne, how was working discipline handled for the foreign workers?

A Infractions against discipline occurred now and again but against these violations we took steps just as we did against the Germans. There was no beating or corporal punishment. There was a carefully worked out system so that punishments could only be meted out after a personal hearing afferded to the person concerned in the presence of witnesses, which was conducted by the Social Welfare Department. Their punishment was recommended to the plant manager. This system was so arranged that plant managers frequently complained that because of the leniont judgement that the Social Welfare Department meted out, the discipline suffered. But we proceeded on a purely objective basis. If, in the course of disputes between fereigners and Germans, it was found that the Germans were to blame, then the German was punished. That happened frequently.

Q Mr. Jachno, the presecution submitted Exhibit 1363, which is a record of a directorate meeting in 1944, and the presecution pointed to a passage which says "Against foreigners that don't return from vacation, we must see to it that the SS takes steps." How is that to be understood?

A This record must not be understood to mean that the management conference made that resolution which is written here in the minutes. This passage in the minutes merely means that Gobhardt, who reported about this subject, announced a regulation of the government, according to which the SS is going to take steps against people who don't return from leave and according to which the plants must report to the SS, the

people who didn't return.

Q Your Honors, about the subject matter of working discipline I went to submit a few documents. First of all from Book 2 on page 26. That is Jachne Document Number 32, which will become Exhibit 47. This is part of the files of the Hoechst Plant. It is a circular letter by a government agency. They were frequently issued to German plants during wartime. I have submitted a few letters from the government before this already, and in summary I should say about them all that all such letters show in what spirit the authorities dealt with the plants in those times. This letter is a good example to show that it was always the authorities and the Party agencies which recommended sharp measures as is the pecularity of a totalitarian state. On page 2 the president of the Gau Office of German Labor Front and Reich Trustee of Labor complains, and he says expressly, I quote: " The experience in the past weeks has taught us that the plant managers have not made use in all cases of the educational facilities provided on the orders of the Plenipotentiary for Labor Allocation. The Plenipotentiary for Labor Allocation therefore sees fit to issue severe punitive measures according to paragraph 7 of Directive Number 13 against plant managers and their assistants who are avoiding this responsibility." On the basis of a few core documents I want to show now the tone and the manner of the discipline which was prevalant in the Hoechst Plant. The next document on page 29 is Number 33. This will become Exhibit Number 48. Subsequent to this on the next page there is document number 34 which will be given Exhibit Number 49. This shows disciplinary measures against a German who attacked a Polish worker, with the signature of Professor Lautenschlaeger. The next document, Jachne Number 35, which will receive Exhibit Number 50, also shows the objective and just handling of disciplinary power in the Hoechst Plant. It treats a dispute between a Gorman and an Italian worker. In the warning which is expressed at the end of this document it is interesting to see the extreme care that was taken in the Houchst Plant with small

matters. The fact, namely, that this reproach was translated into the Italian language and that it was handed to the foreign workers in German and in their own language. The next document, Number 36, on page 37 of this book, will be given Exhibit Number 5. This again bears the signature of Dr. Lautenschlaeger and expresses the immediate dismissal of a German who had taken money from an Italian. To the same subject belongs, from Book 1 on page 62, Jachne Document Number 21. This is an affidavit of Dr. Franz Spiess, which will be given Exhibit Number 52, Jachne Exhibit 52. On page 2 he says: "It may be stated in general that, in Heechst, the policy as I found it and as I continued to conduct it was to get slong with as few punishments as possible." From Book 1, again, on page 66, Jauhne Document Number 22, which will be given Exhibit Number 53 -- this is an affidavit of Peter Kullmann. He was the chief of the Hoechst Plant Police which guarded the factory.

Q Mr. Jachne, you told us about the conditions of the labor employment of foreigners in Hoechst. You yourself constantly went around in the plant. You saw the people at thier work and talked to them. What was the overall impression? Were these people generally satisfied with their situation?

A After the people had become accustomed to the changed circumstances, when they saw that they were being taken care of, that their requests which they might express from time to time were complied with as far as possible, they were undoubtedly satisfied with their fate.

I heard them say sometimes that they were better off with us than in their life up to then. Man of them expressed the desire to remain with us after the war. Eastern workers, for instance, didn't want to return to Russia. Some of the French and Belgians had their wives or other dependents come to join them.

DR. PRIBILLA: In this connection, I want to offer on page 68 from Volume I Jachne Document 23. This is an affidavit of Josef Ems which will be given Exhibit No. 54. Mr. Ems was the Chief of the Labor Office of the Dyestuffs plant in Hoechst. He says:

"From the index cards about the foreigners working in the plant during the war I saw 300 Belgian cards."

A little further he says: "From these 300 Belgians more than 30 had wives follow them and they were also employed in the plant."

Your Honors, at the end of my question about the treatment of foreign workers in the Hoechst plant I want to deal in a little more detail with the Prosecution's exhibit which contains the main charges and on which the Prosecution based their case. This is Exhibit 1367, Document 11613, the affidavit of DeBruyn. May I ask you whether your Honors have this exhibit so that I do not have to quote from it?

THE PRESIDENT: We do not have those books.

IR. PRIBIMA: Very well. Then, perhaps I can quote from it.

Mr. DeBruyn in the first paragraph, first of all, points out under what
horrible circumstances he was brought to Germany. He says in the
second paragraph:

"On the 20th of June 1943 I was finally marched, guarded by armed constabulary, from the Van Diepon Beekstraat to the main railway station at Antwerp, was put in a train which was also guarded and was brought to Aix La Chappelle, In Aix La Chappelle we were marched to a building where the recruiting office and the labor office were accommodated and where we were separated into groups for work in the various factories.

"I and my group were brought to Hoechst to the factory of I.G. Farben.

I remained in Hoechst until March 1945 with the exception of two short intervals during which I worked in the factory of I.G. Farben in Wiesbaden.

In this connection I want to submit from Volume III on page 49, Jachne Document Ho. 57. That is on page 49 in Book III. This document, Jachne Mo. 57, will become Jachne Exhibit 55. This is another affidavit of the former and resent Chief of the Labor Office of the Farben plant in

Hoechst. He says on page 2, and I quote:

"The foreign workers coming from the West came on the basis of contracts concluded between I.G. plant Haechst and the individual companies of the respective nationality which in these contracts promised to make available a certain number of workers."

I skip one sentence.

"No kind of coercion was exerted upon these companies. The representatives of these companies were in Germany all the time and also cared for the workers after placing them. We never had the impression that these people had been forced to come here or had been recruited anywhere."

On page 3 he makes detailed statements.

"The Belgian de Bruyn came to the plant on the 22nd of June 1943 as an employee of the construction firm DeWitt, Anterpen. I still found his payroll and personnel files. I have ascertained that he worked as a carpenter at the plant and was rated as an expert craftsman."

At the end, of the last sentences, he says:

"He was home in his country on vacation several times, altogether 39 workdays, and always returned voluntarily."

The next document in the same book is Jachne Document No. 58
which will become Exhibit No. 56. There Josef Mueller testifies, who
was Chief of the Woodworking Shops in the Farben plant in Hoechst - this
is the shop in which deBruyn worked. I don't want to go into too many
details but at the bottom of the first page he says:

"He (deBruyn) never complained about bad food, bad working conditions and bad accommodations, as far as I heard. It is correct that he was sent to Wiesbaden for a time. However, he did not wish to live in Wiesbaden but went back to Hoechst each day although the train journey was very tedious and inconvenient. This indicates that he was better pleased with the food and living conditions in Hoechst than in Wiesbaden."

In deBruyn's affidavit, which is 1367 of the Prosecution's exhibits, deBruyn says that in the Hoechst plant approximately 10,000 persons of all nationalities were working. I refer in this connection to Mr. Jachne's

statement according to which the maximum amount of foreign workers was 3,000. He says further:

"At the beginning we worked 56 hours, during 6 days of the week and sometimes on Sunday, too. Finally, we worked 12 hours daily during 6 days of the week and also on Sundays."

In that connection I refer to Document 57 on page 49 of Book III where the Chief of the Labor Office in the Farben plant Hoechst says:

"The working hours of foreign workers were the same as for the Germans.

Working hours were between 53 and 56 hours per week."

On the last page he says about deBruyn:

"Until he left on the 13th of March 1945 he worked altogether 527
working days. In 466 working days, he worked on the average of 39.33
hours. That is on the average of 8 hours and 50 minutes per working day.
In addition to his wages he received during this time 694 marks as piece—
work remuneration and at the end of the year 1944, a bonus of 20 marks.
During the whole time of his employment he worked only on 3 Sundays but he
was absent without leave and withou excuse for 27 working days. For 5
days he was sick".

I now again want to refer to the Prosecution's exhibit, deBruyn, on page 2. "What was ps ticularly remarkable in Hoechst was the medical care of the foreigners who were sick. This care was almost brutal so that it was forbidden to be sick because that cost one's life. The German physicians, Jung, Fleischjaeger and Mueller, refused to admit the foreign workers to the medical installations which, however, were organized in a highly modern way. Injured workers did not receive treatment and people had to help themselves with the few means at their disposal."

In that connection I want to offer on page 54 of Volume III Jachne Document No. 59 which will become Exhibit 57. This is an affidavit of the Chief Plant Physician of the Hoechst factory, he was been a plant physician since 1921 and he has that position today still. Under Paragraph 1 he says:

"During the war, the foreign workers of the Hoechet works used the same waiting rooms as the Germa workers in the event of illness and were also examined in the same surgeries."

On page 2, second paragraph, he says:

"The first American commandant of the foreigners carp, Major Raddigan, on the ocrasion of a meeting, confirmed, without being asked, the fact that, according to what he had ascertained, the treatment as well as the therapy in the case of the foreign workers was extremely proper."

From page 4 of this document I now want to quote something. He says about de Bruyn:

"I was still able to find his index card. A photostatic copy of this index card is added to this affidavit as an enclosure. The witness deBruyn has, according to this cavd, visited the infirmary not less than twenty times from 32 June 1943 to 7 March 1945 and usually on account of minor ailments, to be treated there, without counting the visits to change bandages, etc."

About the sickness and type of treatment of Mr. deBruyn, I would like to say this:

"On the 27th of January 1944 he said to us that he was living together with a person who had a sore throat, an inflammation of the throat.

How well we cared for the physical welfare of the foreign workers is demonstrated by the fact that we made an immediate throat smear on him for a bacteriological examination.

On 2 February 1944 deBruyn paid us a visit again, this time for an infected tooth, upper jaw left, fourth tooth. He was immediately sent to the dentist for expert treatment, just as a short time later, on 13 March 1944, on account of another tooth."

"On 2 December 1944 he came to us suffering from an inflammation of the traches. Hight away he received high grade medicine, namely Kresival, to loosen the catarrh and Dilodid to lots to case the coughing irritation.

Working at our plant but at the firm Kallo at Biobrich, staving eway from work there only in order to visit the physician at Hoochst. His fear of the physicians at Foechst seems to have been not very excessive, therefore, for otherwise he could have, if anything, visited a doctor at Biobrich. Our far reaching welfare is furthernore testified to by the fact that he at the time was requested to appear immediately for an K-hay examination of his lungs as soon as he worked at the Hoochst plant again.

"On 9 January 1945 he came to us on account of warts. The German physician transferred him to a specialist for skin diseases for treatments with high frequency currents. Finally, on 7 March 1945, at a time when everything was upset already and especially the foreigners had different worries, he still came to the French physician yet for the treatment of three warts."

In do Bruyn's efficient it says in the third paragraph from the end:
"I must add that at the end of my stay at Farben my weight was only 48 kilograms."

The plant physician, Beldus, savs on page 7 of his affidavit: "About the weight of de Bruyn, the following has to be said:

"On the 23rd of June 1943 when he entered the plant he weighed and his weight amounted to 58.6 kilograms. His weight was not checked after this date because the symptoms of his latter illness gave him no cause for a reduction in weight. The alleged large reduction in weight down to 48 kilograms must, therefore, have occurred after that time and cannot be explained because in the previous 9 months only the exceptionally insignificant reduction of 1.2. kilograms could be noted which might constitute one of the normal variations in weight."

Then the plant physician comments on further assertions of Mr.

Debruyn. He corrects that he didn't do any unhealthy work. He also rectifies that no Bussian prisoners of war were working in the plant; and I believe that I can save myself the details and merely refer to the case history chart of Mr. deBruyn which has been reproduced on page 10 of this affidavit, pages 63 and 64 of Document Book III.

May I read from page 55 of my book? May I offer Jachne Document
No. 64 which will become Exhibit No. 58? This is another affidavit of the
plant physician with a list about the incidents of death cases among the
foreign workers at the Hoochst plant arranged according to country and
origin and years. If one compares the total number of foreigners which is
contained in other affidavits with this particular list here, then one
comes to the conclusion, just as the plant physician comes to the conclusion,
that the death cases in Hoochst were lower than the rate of death cases
in Fermany from 1931 to 1936.

Q. Mr. Jachne, was there any order issued in the Hoechst plant for the destruction of all documents referring to the allocation of foreign workers?

A. No. Of such an order I don't know anything, according to the best of my recollection. Under no circumstances did the plant management on their own initiative issue such an order. It wouldn't have had any reason to do so because everything that had to do with the assignment of foreign workers in Boschst we could expose to the light, in accordance with the social welfare tradition of Farbon. An order to destroy such documents could only have emanated from the Party or from the Wehrmacht and this order would have had to have been passed on by the counterintelligence agent and not by the plant management. The plant management was certainly not interested in the destruction of these documents. Actually most of those documents are still available today. Perhaps you remember that the Prosecution on this very podium covered the entire table with documents and these were probably the same Bocchst documents about foreign

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workers' questions and mobilization plans, the destruction of which is charged to us on another day.

- Q. Did you perhas issue the order that in the Grieshein plant which was under your jurisdiction documents should be destroyed which dealt with foreign workers?
  - A. No. For what reason should I have done so?
- Q. Mr. Jackne, we want to loave the subject of foreign workers and turn to a final subject.

DR. PRIBILLA: For the sake of completeness, I want to offer two more documents from Book II, on page 44 Jackne Document No. 39 which will become Exhibit No. 59. I don't quote from this at all.

The next document is Jachne Document Ho. 40, which will become Exhibit Jachne Exhibit 60.

Mr. Prosident, if our calculations are correct, this concludes all the documents contained in my three document books.

THE PRESIDENT: That is in accordance with my calculations. I think you are correct. That is correct. We have kept check on it ourselves.

DR. PRIBILLA: Thank you.

- Q. Hr. Jachne, did the Foschst plent h ve enything to do with Auschwitz?
  - A. No.
- Q. You were a member of the Vorstand of Farbane When did you hear for the first time about the construction of the Buna plant in Auschwitz?
- A. As far as I know, I heard about it in the middle or the end of 1940. I heard about the order that a fourth Euna plant was to be constructed. The choice of a construction site was very difficult and took a long time. At one time, a site near Breslau was under discussion. Then some other time we heard something about a construction site in Norway. Finally as far as I know, at the beginning of 1941, Ambros for the first time reported to the TEA, the Technical Committee, that the decision had been made for the Auschwitz construction site.

- Q. When did you hear for the first time that concentration camp innates were employed in Auschwitz?
- A. About the employment of concentration camp innates in the plant itself, nothing was said at first. When in April 1941, I believe, Ambros reported to the Technical Committee for the first time about Amschwitz, he mentioned besides the big advantages which this site offered because of its proximity to the raw material sources as a disadvantage the fact that in that region one could not count on any assistance in the constructions from the existing artisan firms or machine factories, But he said that one could expect, perhaps, a cortain amount of assistance from the workshops of a concentration camp hearby.

In my recollection it was not discussed that the innates were to be employed in the plant itself but it was merely discussed that the innates should work in the workshops of their own cames where they were to construct presented parts such as doors, windows and such like for us.

Then I heard nothing about Auschwitz for quite some time. I don't remember that in connection with credit applications in the Technical Bommittee the assignment of concentration comp immates was ever discussed. From the files here in Murenberg I have seen that in December of 1941 a credit application was made for the first time — I quote — "for the expansion and completion of the camps for foreign workers and concentration camp immates."

This comp, as I found out here, had already been constructed previously for foreign workers. These foreign workers did not arrive however. When the credit application for the completion of the camp was submitted to the Technical Committee, in Docember 1942, the camp was already occupied. This was done, as we have heard here, as early as October or September 1941.

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That was another case as I described it in connection with the position of the Technical Committee. The authorities made a certain issue, a certain regulation and the TFA was informed of it subsequently.

Q Fid you yourself ever visit the Auschwitz Plant during its construction and if so for what reason did you do so, and in what expecity did you do so?

A Yes, I did. I was the Chairman of the Technical Commission, the TEKO. It was the practice of the Technical Commission to hold its meeting at various places, and these places were to be selected with a view to inspecting the new plant or new factories. Thus we went to Upper Silesia, as far as I remember, for the first time in October, 1952.

At that time our meeting was held in Gleiwitz, for in Auschwitz itself there was no facilities nor accommodations for holding any meeting. The Technical Commission made an inspection of the construction site which lasted perhaps one or two hours. I do not remember that I saw any concentration camp inmates on that occasion. I believe they were not even there yet at that time. The second time was in August, 1943. As the chairman of the Technical Commission I was to settle a dispute about the supply of electric current. As far as I remember the dispute was between Auschwitz and another plant, Blechhammer, I believe. Since I had very little time as usual, I just sottled this affair then I spoke briefly to my son who was working there, and then left again.

The last time the Technical Commission met in Auschwitz in April 1944. Dy now a few technical plants had already been completed there The Technical Commission inspected these plants. I believe we spent half a day doing this. I myself, of course, interested myself in the boilerhouse, which was under the jurisdiction of my son. There a number of boilers which had not been frequently used in Farben up to that time and it was interesting for me to see the various boilers in their various construction states, from the completed boilers down to the first beginnings of the fundamentals, and the amsonry work. There inmates of the concentration camp were employed.

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I could see that from their striped uniforms. I could not see that these immates were employed in any different way from other workers. I know that noswhere did I see beatings, not anything conspicuous or unusual in any way.

Q You remember that large charts about Auschwitz that was displayed here; during your sivit did you inspect the camp Monowitz besides the plant itself?

A No, in my affidavit given to the Prosecution, Exhibit 246 Document NI 5168, it is stated erroneously that in 1943, I had inspected the cook houses, the kitchen and barracks for concentration camp inmates. At that time during my interrogation I stated immediately that that was an error, for the camp that I visited was a camp housing foreign workers. On the chart that was displayed here I recognized it very well. It was situated to the left of the entrance of the plant. It was quite clear to me when I was interrogating at the time, where it was situated for the people who were working in this camp did not wear striped uniforms.

A Gentleman of Farben whom I knew accompanied me. At the gate there were no guards; there were no formalities to be complied with in order to gain entrance to the camp and to again leave the camp. The sentence according to which I had inspected the concentration camp Monowitz has remained in the affidavit due to an error. It is true that I pointed this error out to the interrogator at the time, but he was of the opinion that the subject matter that followed this sentence would clarify this particular sentence. Afterwards the interrogator and I forgot it, because this interrogator made the record of the interrogation quite properly and correctly otherwise.

Q Luring your visit at Auschwitz did you hear anything about gassings?

A No, not in Auschwitz itself. The Prosecution, of course, asked me about this matter also, and gradually I began to recollect that possibly in the sleeping car in which I travelled to Auschwitz,

shortly before we came into Auschwitz, I neard a rumor, - one heard all sorts of rumors at that time, I believe that a member of the police with whom I shared my compartment in the sleeping car, told me shortly before we pulled into Auschwitz that 30,000 inmates were housed there, and that talked about gassings of those people. I could not believe that. The man saemed not very credible, because he spoke of a camp housing 00,000 irmatos, and I had never some such a large camp. After all, that is the size of a medium town. I could not see much a large camp anywhors. For that reason, I also did not believe his story about gassings. At that time one heard all sorts of rumors in Germany whisporings were about, and if one investigated these affairs, and found out something definite, very frequently one found it was all incorrect. But nevertheless the question did not permit me to rest, though one could not talk about this matter openly, with anybody. In private I discussed this matter later with "refessor Lautensch; acger. and asked him whother he had heard mything about it. He answered that. in the negative.

W Eich't you ask your son who was working in Auschwitz for quite a while, whether he know anything about it?

A As I have already told the interrogator, during my interrogation, to the best of my recollection I asked my son in private. I do not remember whether that was already then or, postaps at a later time. As far as I remember he told me that wild rumors were about in that vicinity but that nobody knew anything definite. It was certain, he said, that the work in industry, and particularly the work with Farben was an alleviation of the fate of the innetes of the SS camps.

- Q You know nothing else about this?
- A No.
- Q Mr. Jachne, have you anything to say in summary to what you have already stated, or to the charges raised by the Prosecution?

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A I have heard very much here that I did not know before, and I thought about everything, of course. I reflected, after serious search of my conscience, I can state about the charges of the Prosecution that I always acted in accordance with my spirit of freedom and in accordance with my being a citizen of the world, and I maintained my attitude consistently during the entire time of the Mazi regime, and during the war. I helped the victims of those times, and helped them wherever I could. During the war I acted as any other man in industry in any other country of the world acted, or had to act, and I must add that I acted the way any industrialist will act of a Third World War break out, which God should prevent.

If I look at the charges of the Prosecution, then I can only shake my head and as a sober person, which I am, as a technical run, I can only say that these charges are far removed from the reality of the normal events of our daily life as we saw them at the time.

DR. PRIFIGA: ir. President, this concludes my direct examination of the defendant fachne, as a witness on his behalf. In my capacity as Defense Coursel for the co-defendant Lautenschlasger, I have to ask a few more questions of Dr. Jachne. Mr. Jachne, who is in his 69th year, told me that he was very tired, and I should ask Your Honors indulgence for a recess of about 5 or 6 minutes. Then I should be in a position to continue until the normally recess and to finish all of the questions that I have.

THE PRESIDENT: Very well. We will rise for a short recess, and will you please tell the Marshal when you are ready.

(Tribunal in recess for five minutes.)

## (after Recess)

THE .. RSHAL: The Tribunal is again in session.

BY DR. IRIFILL:

- Lautenschlieger whom I represent, I wint to ask you an additional question bout the credit applications that were discussed in the technical committee for suschwitz, and if I heard you correctly, you said, "1941". Tere you not mistaken about that year?
  - ... Yes, it should have been 1942.
- fessor Liutenschlaeger. Please tell me exactly whether ir. Liutenschlaeger was your superior, whether he held equal rank with you, or what the relationship was between you?
- borated in a very friendly way; we were jointly in charge of the plant and of the plant combine. He was the Chief, and I was his Deputy. On the other hand, however, I myself was a member of the Vorstand and had my special tasks in the technical field. In this particular field I autenschlaeger was responsible for the pharmaceutical department, and I for the technical field. I was quite independent from him as a member of the Vorstand, but as I said, the entire relationship was not expressed that clearly because we never had any differences of opinion bout the management. The vorked together for general questions, and in our particular field; in the technical field we worked independently.
- Tor what period of time did you work together with Professor Lautenschil eger?
- foined me. We have been here for a year together.
- . You said that from 1932 to 1945 you collaborated with him. Can one say that during this time you were together with him, every day?
  - A. This applied to the week days, generally.

- in . In. Jackne, I assume that you were one of those people who knew him best from all of his associates. I want to request you brisily to describe his character, his professional capacity, and his general human qualities.
- The money for his studies he had to earn himself. He was not a Sumbian; he was a type of person who does not make friends easily. Professor Lautenschlager was a typical representative of this type of person. He was melancholic. He was hard to approach, but once one had made his closer acquaintance, that person was deeply impressed by his character and human sublities, especially about the true goodness of his heart.

ness of his duty. In his work he was completely absorbed, by his work and by science. We forgot everything with the exception of these subjects. Nort to his work in the plant he gave lectures at the University of Frankfurt, without charge. Thus he hardly had a minute of free time. He had no social contacts. His only recreation was a concert with good music now and again.

- . Ir. Jachne, what was the attitude of Professor Lautenschlager toward the Third Reich, according to your observation, and toward the power and war policy of Hitler?
- He was too much of a scientist, and was too closely allied with schentists from all over the world. With the remedies, the cures that he invented, he wanted to help all the peoples of the world.

- . O. What was Prof. Lautenschlaeger's attitude towards the workers, and particularly towards the fereign workers, in the Hoeselst plant?
- A. For the outsider this attitude was not easily discernible, for the did not consider popularity very important. He made harsh demands on himself and he thought that everybody should be the war he was. But because of the true goodness of his heart he always cared for those persons for whose welfare he thought he was responsible, and he did this particularly for the fereign workers because he know that they needed care particularly. For that remson many suggestions to give some joy to these people exampted from his personally. The fact that the foreign workers were treated the way it has been described by me was the personal merit of Prof. Lautenschlanger.
- Q. Mr. Jachne, are you informed about the work in the field of a medicines, remedies, and particularly the testing of these remedies on human beings in clinics and so on?
- A. I didn't inform Frof. Lambonschlagger either about certain work that I had my physicians conduct in the laboratory. Whether my turbines ran with fifteen landred retations per minute or three thousand retations per minute—we didn't worry about this.
- 9. Mr. Jackne, you heard the charges which the Prosecution reised against Lautenschlager in this medical field. From your knowledge of his person, aren't you in a position to testify searthing about this perticular field?
- A. From my own observation I can only say that the charges are diametrically opposed to the facts that I saw almost every day, how he acted as a human being and as a physician.

God knows that as a leader of the enterprise and as the chief of the pharmacoutical department in the war, he didn't have a minute's peace during the war. In the morning he was among the earliest to rise, and he went away with the last people in the evening. Nevertheless, he still was the physician for the foreigners at night if he believed that the plant physicians could not handle the situation alone. COUNT VI CASE VI 2/ Mar 48-13-2-M-aBM-Schweb (N.Az)

I remember that when I saw him come from the surgery in the Lerning one time I told him, "You look fatigued," and he morely replied: "Yes, there was much to do. "To had mine births by Russian women."

He didn't make much noise about such work and nobody heard about it. It was a matter of course for him. But these over-exertions maybably undermined his health.

- during the collapse, Prof. Lautensellanger destroyed documents of the plant or whether he had other people destroy such documents?
- A. No; on the contrary, after the collapse, when the first american investigating officers care to Mocchet, he called together all the department chiefs of the Flant and addressed than in serious terms, telling them that it was their duty to show everything openly and not to try to conceal anything in any way. I know that some of our people during these tense, critical times did not see this with pleasure. They were not inclined to do this. But Prof. Lautenschlapger insisted with all his energy that they disclose all information.

I know that the Ambric's Hajor Tilley, who conducted these investigations at the time commended him for this action, and that he stated that he had been in Hocchst; nowhere had he been supported with such openness.

On Mr. Jachne, as you can see from the files and from our own examination, Mr. Lautenschlueger made cartain statements in various affidavits that he gave to the Prosceution that seem a little unclear. He said that he velcomed the employment of foreign workers; the he had known that they had come by force; and furthermore he made the definite statement that forty per cont of all production in Hosehst was armount production.

How, we have talked about this in much detail. How can you explain these statements?

A. I believe it is my duty to point out that the exaggerated consciencessness of Prof. Lautenschlaeger after the collapse almost took pathological proportions. When, after the occupation of the plant, Prof.

Lautenschlaeger was removed from the position by the Americans, he was completely confused. He complained to me that he had spent the years of an entire generation; he had done his duty and was now infamously dismissed. When I saw him again I was distressed. I was shaken by his physical appearance and his condition. I was able to observe his complete collapse when he was told about the death of his son when the trial opened here. He could not get to see him any more, despite all efforts, and from this moment on this situation became more and more aggravated.

exemination today dealt not only with your own case, in many cases, but also for the question of Prof. Leutenschlaeger, to the extent that you worked together in the plant. For that reason I should be grateful to you if, at the end now, you could summarize for the Tribunal, for the Prosecution, and for us, what fields from the entire indistment in regard to the Hosehst plant you were in charge of together with Prof. Lautenschlaeger, and that would also give us an indication as to what questions one should treat with you, since I cannot expect Prof. Lautenschlaeger to testify about them the way things are.

Could you please summarize this briefly, at the end?

A. About all fields dealing with general problems of the management in Hoechst, social welfare of the workers, including the foreign workers, about mobilization and air raid procaution problems, the questions of the over-all productions—I know myself. In the medical field and in the pharmaceutical work, I am not informed in detail.

DR. PAIBILLA: Mr. President, I have reached the end of my examination. I have submitted all documents, as far as I have them available. I assume that Your Honors will permit me to put in a few documents that are still outstanding, at a later time, within the proper deadline.

There are only a few more affidavits concerned that I have not yet received.

THE PRESIDENT: Very well. That will be permitted under the circumstances.

That is the pleasure of other counsel for defendants relative to
the interrogation of this defendant? Hight I have an indication by
your hands as to the number of you that expect to ask some questions?...
(One defense counsel raises his hand). Only one?

DR. PRIBILLA: Mr. President: I hear that one or two more Defense counsel--Mr. Pelekmann, for instance--have each three or four questions to put to Mr. Jachne. I believe that fifteen or twenty minutes would be consumed by this.

THE PRESIDENT: Very well.

JUDGE HEBERT: Counsel, may I ask you a question? With reference to the afficient DeBruyn who was referred to in the testimony this morning, could you tell me what the status is in regard to cross-examination of that afficient? I don't recall that he appeared before the Tribunal, and I would just like to know whether he was produced for cross-examination whether it is planned to produce him for cross-examination.

DR. PHIBILLA: No, Judge Hebert, I waived the cross-exemination of this affiant and I endeavored to refute his testimony by contrary evidence.

JUDGE HEEERT: Yes, I understand. Thank you.

THE PRESIDENT: We will not ask counsel for the Defense to start on the questioning of this witness until after lunch.

The Tribunal will now rise until one thirty.

(The Tribunal recessed until 1330 hours, 24 March, 1948)

(The Tribunal reconvened at 1330 hours, 24 March, 1948.)
THE FARSHAL: The Tribunal is again in session.

THE PRESIDENT: May I have this moment to make an announcement?

The Tribunal has today entered an order, the substance of which is that until the further order of the Tribunal all testimony to be taken pursuant to the order of the 26th of February shallbe before Johnson T Crowford, instead of Mr. Mulroy. Will counsel who have concern about the matter of the cross-examination of witnesses please take that into account in arranging your dates with the commissioner in the future?

This order will stand until the further order of the Tribunal.

Hr. Mulroy will continue in the capacity of a commissioner, but we request that he be temporarily supplanted by Judge Crawford so as not to interfere with Mr. Mulroy's regular assignment.

IR. SPRICHER: If it please the Tribunal, there is one matter outstanding which might perhaps be partly, or entirely, cleared up by a brief interruption at this time.

THE PRESIDENT: Very well.

AP. SPRECHER: On the 11th and 12th of Harch-that is, Thrusday and Friday—the defense witness Karl Braus (B-r-a-u-s) was examined and partly cross-examined. During the cross-examination, at the request of the President of the Tribunal, the Presecution interrupted its cross-examination until certain interrogations of the witness Karl Braus by the Presecution's interrogator, Benvenuto von Halle, could be introduced.

I have those here, and Thank, shortly, to introduce them in evidence.

The affidavit of Karl Braus which he signed under oath to the Prosecution is in evidence as Prosecution Exhibit 1994.

Now, two different Defense counsel made motions to strike that affidavit from evidence because of certain statements which Karl Braus

Now, two different Defense counsel made motions to strike that affidavit from evidence because of certain statements which Karl Braus made on the witness stand. Since the Prosecution feels that this question of alleged duress, sometimes called psychological duress, here has been raised in a number of circumstances which are proven quite unusual once the facts have been known. And since the Tribunal must decide whether or not any further action is necessary in this matter after we have introduced these matters, this afternoon, the Prosecution has gone to some pains to bring out the facts of this matter in a way which is unmistakable and, we believe, quite adequate, and in a manner which should save some time.

Now, firstly, there are five interrogations. Copies of each of these five interrogations of Karl Braus by Benvenuto Von Halle in the German language have already, several days ago, been given to Defense counsel. I would now like to offer each of these interrogations in evidence.

The first interrogation is NI-14721, and will become Prosecution Exhibit 2044. The second interrogation is NI-14722, and will become Prosecution Exhibit 2045.--

THE FLESTDENT: Just a moment-

MR. SPRECIER: Here is an extra English copy, in case Your Honor's book was missed. I am sorry... Is that all right?

THE PRESEDENT: Yes. Now, that MI-11723 --

MR. SPREGHER: No. Your Honor, the second interrogation is NI-11/722.

THE PRESIDENT: I now have two copies of NI-17423, but yet I don't have a "22". Now I do have.

LR. SPRECHER: I beg your pardon, Your Honor.

THE PRESIDENT: That is all right, That is Exhibit 2045.

LR. SPRECHER: Yes, sir.

THE PRESIDENT: Thank you.

LR. SPRECHER: The third interrogation is NI-14723, and will become Presecution Exhibit 2046. The fourth interrogation is NI-14724, and will become Presecution Exhibit 2047. The fifth interrogation, NI-14725, will become Presecution Exhibit 2048.

The Tribunal is asked to notice that these five interrogations took place over a period of four days and that they are relatively short. On the 21st of August, 1947, two interrogations were conducted, and one interrogation each was conducted on the 19th, the 20th, and the 22nd of August.

Now, secondly, the Prosecution would like to offer in evidence NI-14726, which will become Prosecution Exhibit 2049. This is an affidavit by Mr. Benvenute von Halle, the interrogator who interrogated Karl Braus. The relationship which actually prevailed between the interrogator and the witness Braus is of course best illustrated by the interrogations themselves, but we do think that this affidavit of Mr. von Halle's, and particularly the matter which led to the attachments thereto, will be of interest to Your Honors.

Now, thirdly, we would like to introduce an affidavit of the German court reporter, his Moroff (M-c-r-c-f-f), HI-14727, as Prosecution Exhibit 2050. This is an affidavit of the court reporter who actually took the interrogations in the German language.

Now, fourthly, we have prepared a table to assist the Tribunal in evaluating more readily the allegations with respect to the nature of these interrogations and as to the manner in which the Prosecution's representatives drow up a number of admissions which have been given by Karl Braus and put them into an affidavit which he later revised in some desens of cases, as Mr. von Halle's affidavit shows.

This table contains in the left-hand column the paragraph from the affidavit. In the right-hand column there are the questions and answers which bear most pertinently to the admissions given in the affidavit. Now, cotually that latter tabulation is only a mathematical or machanical assistance to the Court, but we would like to have it put in evidence, if we may, because it does show very graphically this whole question. And if that may go in as Prosecution Exhibit 2051, I think it would help Your Honors.

THE PRESIDENT: Perhaps you had better verify for the record that that is HI-10929.-

IFI. SPRECHER: No. Your Honor, it is concorning the Barus affidavit which is HI-10929.

THE TRESIDENT: Yes, yes.

IR. SFIECHER: Since this is not a contemporaneous document and since this is not an affidavit, it is merely atable, I think we can only describe it as Presecution Exhibit 2051.

THE FRESIDENT: Thank you.

LR. SPARCHER: Now we ask that you do study the actual interrogations themselves very diligently. We believe that the professional standards which have been observed in our investigation work will actually be indicated by this case which the Defense has raised. We are very proud, for our part, to stand upon this very cold and clear record of the whole affair.

Now, with respect to the further cross-examination of the witness Karl Braus, it seems to us that the record which is now before Your Henors leaves little to be desired on our part. The lengthy interrogations which we have been obliged to process and bring to you are, in our view, the best impeachment of this witness, and under the circumstances to request that he be recalled to the stand, either before this Tribunal or before the Commissioner, is, from our point of view, uttorly and completely superfluous. However, we leave the matter at the discretion of the Tribunal. We will be glad to participate in any way.

THE PRESIDENT: This involves quite a mass of documents, and we will ask the counsel for the Defense that are interested in it to study the documents, and if there is any further necessity for calling it to the attention of the Tribunal again, that may be done.

MR. SPRECHER: Just one further matter. Of course the affidavit of Karl Braus which we did introduce in cross-examination we introduce for the content of the affidavit, although it does go by way of imposehment to his direct testimony.

THE PRESIDENT: Very well.

# DIRECT EXAMINATION (Continued) FRIEDRICH JAKKNE (Resumed)

BY DR. 1 MA Kwalls (Counsel for defendant von Knierien):

W Mr. Jachno, you will recall that you made out an affidavit.

This is Exhibit 256 of the Presecution; it is NI-5168 and is in Book

78. Under paragraph 18, on page 103, you say the following, I quote:

"Dr. von Knieriem, before making any contract, had to be asked for his approval of such a contract. He treated the American contracts himself.

Now, I would like to ask you how you meant these sentences.

First of all, I would like to repeat the first sentence—"Before every centract, Dr. Knierism had to be asked for his approval." Will you please curment on that?

A My answer to that is not correct. Dr. von Knieriem did get every contract, but not in order to approve it because in each larger plant we had our fatent Department and this department handled the contracts and licenses which we had to issue in every single plant.

Since that assumted to a lot and the individual plant, could not always known whether this contract might not perhaps collide with another contract entered into by another plant, this contract went to Ludwigshafen to the Central Contract Department, and this department did not have to pass any judgment on it or approve it but it merely examined it whether it conflicted with other contracts. That is what I meant.

Q Do you mean-pardon me one moment, please. And this agency in Ludwigshafen was called the Central Department for Contracts?

A ZHS.

And now the second sentence please, the second question.
You said that he handled the American contracts himself.

A No, that is not correct. I remember at that time the large Standard Oil contracts. As for the other also very numerous contracts I did not think of them at the time because that was what I remembered during the interrogation. Actually, the contracts with America were not actually all handled by von Knieriem, but by those works which made the contracts.

Q Thank you.

BY DR. SIJDL (Counsel for the defendant Duorrfold):

Q Fitness, you testified this morning that you repeatedly were at the Auschwitz plant of Farben. You also testified that this happened in connection with inspections of the Technical Committee. How, I would like to ask you: Were these the same inspections about which the witness Diedenkopf has testified here?

A Those were the same ones because Dr. Diedenkopf was a member of this Technical Commission.

Q Dr. Diedenkepf has testified in detail about his observations during these inspections. In order to make the examination very brief, I want to ask you this. Can you confirm the observation and inspections of Dr. Diedenkopf, and do they agree with what you yourself saw?

A Yes, absolutely.

Q Witness, you were the Chief Engineer with Farben. Can I conclude from that that in this capacity you inspected many building sites and many enterprises of Farben which were being constructed, and many other plants?

A Yes, that is correct. In the final analysis I was active during forty years in this work and almost twenty-five years I was with Farben in this capacity. I certainly could pass a judgment about what went on in a plant.

In view of your special experience, I would like to ask you what impression you had of the Auschwitz Farben plant, as far as the technical and social aspects are concerned.

A First of all, I want to emphasize what struck me particularly The Technical Cormission, during the days when we inspected Auschwitz, also inspected the plant at Heydebreck, which belonged to Farben, and the Blackhemmer Works, which belonged to the Upper Silesian Mining Industry. The main differences I will give you very briefly. Heydobreck was a plant which Dr. Mueller-Conradi didn't think too much of with regard to its engineers. At anyrate, he said, "We will only build production plants. As for the other general facilities, that is, I mean the kind that the engineers like, we will postpone that." I warned himtet that time. Gradually the plant became larger, and now they couldn't do any longer without those general engineering installations. Now they had to catch up with them. In consequence, at the building there were several buildings the way Mueller-Conradi wanted them. But, apart from the ready construction, they started to construct the general installations. The result was that these installations which were to be built first had to be hurried up so that, finally production could be taken up. New comes the Blechhammer Works. This was not's Farben plant. In blechhammer, when one first arrived there, one was impressed by the fine, beautifully accomplished buildings. -t had been accomplished very quickly. But there were still the open ditches for power supply, cables, etc., and all this impeded the transportation of the parts for the buildings.

Here again one felt this--as a man who had to deal with such matters--hurrying at some places. "We first have to take care of this." Here were the ditches. Then the spare parts had to be transported acress the ditches.

On the other hand, in Auschwitz I was glad to see that here there was an engineer responsible with backbone because he certainly was teld-"Look at the nice buildings in Heydebreck. How fast they were completed." But he would not be hurried. "He organized the construction properly, and one could see that there were no more open ditches, or perhaps in a few individual places where some little work was to be done. But, otherwise, it went according to plan.

I have described that this morning. I was in the boiler room. There were boilers in all stages of construction. They saw to it that the parts which were needed first were available first so that the transport later was not impeded.

Of course, at the top engineers, they had to hurry because they had to pay attention. But further down the line it was absolutely peaceful, and according to plan.

In Auschwitz I saw the construction site in Upper Silesia which was carried cut with the most organization and without any duplication of work.

Q Now, Dr. Jachne, you have described the work in a technical sense. What observations did you make in a social aspect, as far as the treatment of workers is concerned—accomposating and feeding them?

A Tith respect to the last point I cannot say anything. I can only say and testify about those things which I saw myself and which I heard or saw myself during the inspection. But I can say what I did not see. I never sew that anyone was beaten or nistreated. I did not see any wounded people lying on the streets. To the contrary, in the boilerhouse where my son was—of course, you can imagine that I spent some time with him because every father is interested in what his son is doing—there I saw the inmates doing the same work as was being done by Go mans. I don't know whether I would take up too much time if I told a detail which I just recall, because I went into the electric installation. I went into the thing was not under high tension. The warning shield was on the door. I asked my son, "What about this?"

"Well", he said "We have inmates here. They like to smoke. "ere and there there is an SS-Control, so that they do not go in there because that is where the inmates go when they want to smoke so that they are not disturbed. That is why we put that warning sign about high tension. That is how thinhs looked there.

Q What impression did you have of the immates in respect of their health?

Was it such a way that one could not expect any work from them? Or did you gain the impression that they could well be used for work there?

A I must say that in general they looked better than the German workers today. As for the work that I saw, they could very we'll be used. Of course, people under such depressing circumstances who had their liberty taken away from them did not look very happy — and we don't either here. But that one expected very heavy work from them — I didn't gain that impression.

. Q The Presecution claims that in the Farben Auschwitz plant there was a system of driving the workers on. You told about the technical organization, the various stapes. Now, I ask you: Was there any necessity for having such a system of driving workers on?

A hell, according to my judgment as an engineer, it did not.

It occurs to me that they always said that when cement was being unloaded but I didn't see it. But I did see that one had a complete mechanical installation there in order to get the cement shipped to the proper places. One did not get the cement anymore in bags later on.

And it might have happened in this case, something which I did not see myself, but it is an explanation. The train which arrived piled up the coment but did but arrive regularly. It can be that sometimes they said, "Woll, the cement is missing. Let us see whether we can get it." But this is no observation of my own.

Way of feeling, did one show you special thinks in the boiler house, or did you have the possibility of going with the members of the Technical Commission to go to the plant whenever you pleased?

A hell, my God, they did not show us any window dressing in Farben; and it would not have done any good in my case because I would have laughed at it. I have been in the chemical field for twenty-five or forty years. I would have laughed if they had tried to put something over on me.

- . In these three inspections, did you in any respect have the impression or the feeling that here in a technical respect or a social respect something might be out of order; that perhaps this might cause you to interfere?
- A. I reclly did not have that. Flease understand that I had joined the Party because I followed my conscience, and I thought to myself, "There is no use to run your head against the wall." But I felt the obligation to help whom I could help. Cutside I couldn't help myone. But in the Farben plant, there I could help. And you may believe me, if I had seen outhing, then as one says, there would have been hell to pay.
  - 1. I have no further questions.

THE FIRST: Anything further from the defense?

Mr. Fill Law (for the defendant ambros): Your Honor, I would like to ask you, is it permitted at this point to object against the documents which have been just introduced by the presecution? This is Exhibit 2, 051%.

THE HIDST MENT: Certainly, you are within your rights in making an objection; only it is just a matter now of procedure as to whether or not we should do it now or at a later time. But you will be given an objectunity. They I suggest that if it is agreeable to you and if there is no particular reason why you should do it now, that we let it pass over for a little time and take that up a little later. Is that agreeable?

DR. MOUTALIN: Your Honor, I did want to go on an official trip, on a business trip, and perhaps I may ask that Immy be able to do it . Iter the three o'clock recess?

THE PLUSIDENT: Very well. Yow long will you be gone, doctor? When will you be back? Mill you be several days?

DR. HOLY ... IN: I will return on Friday.

A. SERCCHER: It would be satisfactory to us to wait until the first day after the Easter recess when all defense counsel, including Dr. Hoffmann, will have time. In connection with the document to which objection has been used, I can only say this: we would be very glad to have

the defense alke a similar collation between the affidavit and the statements of the interrogation if they think they thereby can show something different than we have shown.

THE PRESIDENT: Le will not bother about this now, but it may well be that some other defense counsel on the study of the documents may have something to say. The Tribunal will lay the matter aside, Dr. Hoffmann, and when you return and we get back from our Easter vacation is will take it up and we will dispose of it.

Now is there enything further from the defense with respect to this defendant? Since there is not, the prosecution may cross examine.

#### CROSS EXA JIL TICN

### BY .R. STELLT:

- they it please Your Honors, the hase of the cross examination which I shall immediately handle pertains to slave labor, and I think it will not take more than 45 minutes to one hour. Ar. Amohan will follow me with a few questions on spoliation and the aggressive war count No.

  1. Ar. Archan tells me that he will take from 15 to 20 minutes. I would like for the information of the Tribunal to state that most of my questions will require very short answers.
- in. Frehme, you, I believe, were chairman of the TEKO, and among other things, it was the function of the TEKO to pass on credits for the eraction of huts for foreign workers, is that right?
  - A. Yes.
- Q. Now, you were also responsible for personnel matters of the Griesheim-Lutogen plant, is that right?
- a. I can't answer that with "yes" or "no." Small personnel matters were decided upon by the director. Only very important matters were referred to me from Griesheim-Autogen.
- sible for the determination of policy on personnel matters in the Griesheim-autogen plant?

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- .. No. Griesheim-Autogen had a plant manager for itself, according to the law of national labor.
  - . Just what were your responsibilities then at Griesheim- utogen?
- Vorstand for the production success of this plant.
- 1. Now, ir. Jackne, in connection with the housing credits, credits for foreign workers, would you tell us please then the TEXO first considered and approved credits for the housing of western workers; that is to say, workers from France and Belgium, and so on?
- ... First, I must say I don't remember such a date, but if you show me something which would refresh my memory, I would gladly tell you. Secondly, we didn't provide housing separately for French and Belgium workers, but it said that foreign workers were coming and then we saw to it that they would be accommodated.
- the Tribunal, if you can't tell us a definite date I don't expect that; as of January 21, 1940 or January 21, 1939; but surely you can tell us approximately when the TENO first approved credits for the housing of western workers? Do you recall whether it was in 1939? The sit in 1940?
  - .. It was not in 1939 nor 1940 to my recollection; it was later.
  - n. ell, would you say it was in 1941?
  - a. I do not know.
- recall that the TERC first approved credits for the housing of foreign workers, that is, all categories of foreign workers?
  - A. I just told you I don't remember; I don't know.
- . Surpose I show youExhibit 1558, Prosecution's Exhibit 1558, which is HI-11411-... This snows that Ferben was already employing approximately 10,000 toreigners in January of 1941. Now, in Jachne, does that help you come to some reasonable determination as to when the TEXC first acted upon credits for foreign workers, that is to say, the housing of foreign workers?

- Q. If foreign workers were employed by Farben, they would have to be
- . ...nd as it not the TEXC's function, or at least one of the TEXC's functions, to agree the credits technically, that is to say, for the
- A. First of all, the technical commission did not have to approve of anything. The technical commission gave an opinion as to whether that which had been suggested for the housing by the individual plants was within the proper framework and wh ther it was sufficient. That might he we well been done by the individual plant : ithout the technical commission having anything to do with it.
- . I seid, ir. Jathne, approve in the technical sense, and by "technical," I assume that you understood that I mean the engineering sense. Fow did not these credit requests, which emanated from the socalled Bertrans effice or Schneider office, come from that particular office to the TENC?
- ... se rule, yes , but not always, because the preliminary approvals were grated and the technical commission knew nothing of those.
- . Now coming back to the document, Prosecution's Exhibit 1550 . which I have placed before you, would you, on the basis of that, say that the TIMO had to pass through its hands credits for the housing of toreign workers on or before January 1941 or perhaps shortly thereafter?
  - A. Ho, I could not confirm that.
- . In other words, ar. Jachne, as chairman of the TEKO and as one of the functions of the TEKO to pass on credits for foreign workers, you

don't know approximately when the TEMO approved or had passed through its hands the first credit for the housing of foreign workers? That is your testimony, is it; you don't know?

- had to think about enough things. I just don't know.
- . Now, Mr. Jaehne, I want to make this perfectly clear. It isn't my function and it isn't my purpose to harass you. I am going to ask you the questions as simply as I can and you can answer them as simply as you know how. If you don't know, simply say no. Now, Ir. Jaehne, then did it come to your attention that the westerners, that is to say, the people from France and Belgium, came to Germany involuntarily?
- ... This came to my attention when in Germany too the law for compulsory labor service was introduced, and when I heard that in Prance too the then legal government decreed a type of labor conscription, and that on the basis of these obligations of the French Government such workers were acquired.

Q Now, there's been considerable discussion about Prosecution's Exhibit 1319, NI-4693, which is in Document Book 68, English page 31 and German 31. That is a meeting of the TEKO in which it was reported by engineer Riess that concerning this training school in Burssels, that the Belgians fled before they could be transported to Germany. Do you recall that?

A Yes, I recall that.

Q Now, Mr. Jachne, I would like to ask you wasn't that a pretty clear indication that the Belgians, or at least certaintly a portion of them, were coming to Germany involuntarily and to work for Farben specifically?

A Mo, this was a sign of something entirely different. Those people got their full wages and were very well trained. During this period, nothing happened to them in their own country because the German said, "The people are going to Germany." They had voluntarily signed a contract to go to Germany after their training had been completed. They evaded the carrying out of this contract after they had been trained. They had earned sufficiently by them and they could do something by themselves without going to Germany.

Q In other words your testimony is that they complied with the contract up until the time that they were to be transported to Germany?

A As long as they received something, they stayed; but when they had to do something, they left.

Q And that doing something was being transported to Germany? Is that what you mean?

A Not brought to Germany; they had concluded a contract voluntarily to go to Germany.

Q In other words, it's your testimony that even these workers, those of them who came, came voluntarily

A Yes, of course.

Q Now in connection with this document, Mr. Jaehne, I would like

also to refer you to our own Exhibit 2h, which is in your Book III, and ospecially to page 39 of the English copy of the Document Book III. Do you have your Document Book III there?

A Yes.

Q Would you please refer to your Document No. 53, which should be a pproximately on Page 38 or 39 of the German copy Exhibit 24.

A Tes, this is the affidavit of Einsler.

Q Now, I am referring specifically to the top of Page 9, and therein it says that, "Costs" -- talking about this particular training school -- "here paid by FilmFabrik Wolfen. The firm Swannet & Francois, Antwerp, Grooto Markt 40, is the a dmistrator." Now also in connection, Mr. Jaehne, with this name of Swannet & Francois, you will perhaps recall that this name appeared several times in Professor Krauch's document book and was given in a list of the so-called firms through which Gebechem secured workers: specifically in Krauch's Document Exhibit 55, Krauch Document 502 in Krauch Book III. Now Mr. Jaehne, I want to ask you again, did you know that this so-called firm plan of employing workers through such foreign firms as Swannet & Francois was not a yoluntary plan so far as the workers were concerned? Did you know that?

A No, I never knew that. In my conviction, this wasn't that way. These were voluntary people.

Q In this connection, I now show you Prosecution Document NI-14689, which will become Prosecution Exhibit 2052. This is a certified copy, lir. Jachne, of the judgment and decision in the case of the Bolgian Military Court of Antwerp against Swannet & Francois individually and the Swannet & Francois Company. I specifically direct yours and the Tribunal's attention to Page 4 under the heading Decision. About two sentences down from the top of the second paragraph, I quote from the decision:

Workers, such as it has been done, actually constitutes the supplying of useful 'personnel' in the meaning of Article 115 of the Penal Code (amended version dated 25 May, Article 1):

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"Thereas, by the way, the work in question was not voluntarily in the full meaning of this term, because the workers had to sign a contract tying them up with the enemy so closely that the defendants themselves had to intervene in order to warn some of them of prospective measures to be taken by the Field Police or other police authorities, when these workers refused to return to Germany."

I also respectively refer to the bottom of Page 5, top of Page 6, wherein the court decla res both the aforementioned defendants guilty and sentences Francois to 15 years of hard labor and Swannet to 20 years of hard labor and declares escheated to the treasury the sum of 450,921,419 Belgian francs, being the amount involved in the criminal activities of the defendants.

How I ask you, Mr. Jachna, after seeing this, would you still be of the same opinion that these workers who came to Germany through the Gebechem, through the ---

THE FRESIDENT: Counsel, I think on reflection you see the impropriety of the question as to just one or two things; either he knows about this judgment and knows the facts, or else the judgement speaks for itself as a determination. The objection is sustained on that. You need not answer.

HR. STREET: Thank you, your Honor, I think you are entirely right.
BY IR. STREET:

Q lir. Jachne you in the works combine had the policy of informing the SS when foreigners did not return from leave, did you not?

A Ho.

Q I show you Document NI-11634, which may be marked as Prosecution Exhibit 2053. This, as you will note, Mr. Jaehne, is a letter to the labor office and the subject is: Breach of Employment Contract by Dutch Nationals, and the letter reference is: Letter from I.G. Farben Industry, Frankfurt-Griesheim, of 11 March 1944. Now does this refresh your memory as to any measures that might have been taken?

A Well, I am not a lawyer. I just can't tell you that off-hand. It does not refresh my memory because, first of all, this is a letter of the chemical plant Griesheim, with which I had nothing to do; secondly, this is an individual case. How one can speak of Farben policy, I cannot figure out as a man with common sense; at least one does not do that in technology. Thirdly, may I add something, please,?

Q Go ahead.

A Will you please permit mo? Thirdly, there was an order — and.

I know this from Hoeshet — to denounce foreign workers to the Gestapo
who did not return, but this has not the slightest to do with the policy.

of Farbon.

Q I simply asked you, Ir. Jachne, whether or not it was the policy a t Hoechst to report to the SS or the Gestapo, if you want to call it the Gestapo, when foreigners did not return from their leave.

A Well, there is a lot implied in this, because "policy" means intention and we only showed the intention of helping these people and if we were not absolutely forced to secure other people from the German Labor front, who exerted a pressure on us, we let these people go and a lot of them returned to us voluntarily.

IR. VAN STREET: If your Honor please, I would like to have NI-11634 marked as Prosecution's Exhibit 2053, and, in this same connection, I would also like to introduce document NI-11638 as Prosecution's Exhibit 2054 and also HI-14824 as Prosecution's Exhibit 2055. The last papers introduced are all indications and examples, I might say, of reporting on the part of I.G. Farben Hoechst to the authorities where foreigners did not return from leave.

Q Now, Mr. Jaehne, was there any question in your mind as to the fact that Poles and Russians were brought to Germany involuntarily.

A The fact I talked to such people from time to time and very late during the war I heard these claims from these people: "Well, I did not come here voluntarily," but on the other hand from those who first came, I heard that they left home with music and somethimes accompanied by the village elders. What was correct, after all?

Q Witness, why did you say that you heard it latterly. Can you place the approximate date when you learned that Russians and Polès came involuntarily?

A "Knew" is a little to much. I heard it from them that way. Well, that was pretty late. I assume after the first arrival of the voluntary workers, one or two years elapsed, but I can't tell you exactly.

Q Now, Mr. Jaehne, will you please name the different foreign nationalities that were employed at Hoechst.

DR. FRIBILIA (Attorney for the defendant Jachne): Your Honor, the prosecutor has introduced two documents and I now have referent to NI-14824,

Is to both document, it was said that these are examples of the fact that foreign workers who did not return were reported by the Hoechst plant. In the document which I just named, I cannot see that the Hoechst Plant is referred too, just Farben generally.

THE FRESIDENT: The record may indicate that counsel for the defense is speaking of Prosecution's Exhibit 2055. What have you to say, Ir. Prosecutor?

IR. VAN STREET: On the fact of this document, what defense counsel has stated is correct, and we will have to be governed by that at this time. I believe that there is something that indicates that it comes from the Hoechst files.

THE FRESIDENT: I take it that although the counsel for the defense spoke with respect to two documents, he has reference to your Exhibit 2054, is that correct, Dr. Pribilla?

IR. VAN STREET: Just the one, I believe.

THE PRESIDENT: One or both of these documents, so we have an understanding?

DR. PRIBILIA: Your Honor, at the moment, I do not know what the ombif number was. Do you mean, NI-11638?

THE FRESIDENT: I am speaking of 11638.

DR. FRIBILIA: I did not speak of this one. That is where is says, "Farben-Hoechst" but in the other document it dows not say so.

THE FRESIDENT: Then we are to understand that the objection of counsel for the defense refers solely to Prosecution's Exhibit 2055, which is its Document NI-14824. Now, Hr. Prosecutor, are you agreeable under to the circumstances that we may mark this for identification only until you determine whether or not you wish to stand on your offer?

MR. VAN STREET: Your Honor, I think that the matter should still stand in evidence as an exhibit by virtue of the fact that in the third paragraph it obviously refers to Farben generally. It says, "As indicated by the stamp on the index-cards, those have been issued upon request of I. G. Farbenindustries" so, whereas it doesn't have particular application, it does have general application.

THE PRESIDENT: I think that is right. It would be competent evidence. I take it, although it is proper for counsel for the defense to observe the limitations of it, it doesn't apply to this defendant on the face of it, unless there is a further showing.

IR. VAN STREET: That is to say, any more than any of the other defendants.

THE FRESIDENT: Any more than any of the defendants, that is correct.

IR. VAN STREET: I think now your Honor that we can straighten that out. It does have specific application to Hoechst. A part of the exhibit file has an attachment which shows Hoechst. That is what I had reference to a while ago when I thought.—

THE FRESIDENT: Let Counsel for the Defense see that and see whother or not he wishes to insist on his objection.

DR. FRIBILIA: Your Honors, may I say another word about both documents? Of course, first of all, I must peacefully examine them, because from what has been introduced I could not see this, but right now, I can say that in the case of both documents it is not a matter of establishing that the Houchst plant reported something, but some kind of documents show that these workers were employed in the Hoechst plant. That makes a certain difference.

THE FRESHDENT: Let the matter stand this way. Under the practice that we have indulged in, we do not require objections to the documents to be made at the moment the document is offered, if it is made at a reasonable time. Counsel for the Defense, will you look into the matter and renew your objection if you wish at some future time, but the documents are in evidence, and the prosecutor can go on.

IR. VAN STREET: Your Honor, I don't want to be facetious, but just to clarify this matter and bring it sharply into focus for counsel's benefit, too I don't think it is hardly worthwhile to explore the possibility lot's say of Ludwigshafen or some other plant of I. G. Farben reporting escapoes or non-returness of Hosehst and that seems to be the question that has been theoretically propounded.

## DY IR. VAN STREET:

- Q Now, Mr. Jachne, will you please give the different nationalities that were employed at Hoechst?
  - A 18. Shall I list thom individually?
  - Q Yes, briefly, please, just as briefly as you can.
  - A Well, I can't be brief. There are 18 of them.
- Q Without comment. That is what I mean. Without additional comment.
- A Bolgians, Bulgarians, Dancs, Frenchmen, Greeks, Dutchmen, Italians, Croatians, Poles, Lithuanians, Rumanians, Russians, Slovaks, Spaniards, and one is missing, Stateless, I guess that is not a nation, Czechs, Hungarians. I am very grateful to the careful work of our physician, Baldus, through whom I got this list.
- Q Now there came a time, did there not, Mr. Jachne, when about 50% of the Farben workers were foreigners, is that right?
- A Yes, I believe that can be seen from the tables which the prosecution introduced at the beginning of the trial. In Hoechst, we did not have nearly that amount.
- Q Yes, I understand, Mr. Jachno. Now, what discussions took
  place in the Vorstand concerning the large percentage of foreigners employed by Farben?
- A No discussion. It wasn't possible that suddenly 50,000 foreign workers arrived while we were sitting there and ----
- Q You answered that. You answered my question when you said "No discussions." Thank you very much. Now, what discussions took place in the Tea Office concerning the large percentage of foreign workers?
  - A None.
- Q What discussions took place in the Vorstand concerned the foreigners being in Germany and working for Farben against their will?
- A Well, against their will? I could not look into them. Whatever I saw were volunteers; in the Vorstand, this wasn't discussed at all. This was a technical question which the Tea could have been informed about, but

it did not concern the Vorstand. The only thing I remember -- but that was also in the Tea -- that happened like this; If credits were presented, then it was said, "Well, what sense does this have?" As I recall, we had about 2,000,000,000 credits in front of us. There was no sense to discuss credits if we don't have the workers" and one might have said once, "Well, we are going to get foreigners," but that was not conspicuous. That was up to the Farbon plant managers and then the workers arrived one by one but not 50,000 at the same time.

Q Well, you mean it wasn't particularly conspicuous to the Vorstand the number of foreign workers when the percentage did reach approximately 50%

A Whother the Vorstand saw this, I do not know at all, because those tables allegedly made by Struss a t that time were not presented at Vorstand meetings, but they were presented at the TEA meetings.

Q Now, Mr. Jackno, you testified that you joined the NSDAP in 1938, is that right?

A Yos.

Q Now, I believe you also testified that one of the reasons you joined was it put you in a better position to help many people, is that right?

A Yes.

Q Now, how many people would you say that you helped by your membership in the Party?

A Well, I didn't write them down.

Q Well approximately.

A Well I wouldn't have been so stupid as to get myself into the danger of being denounced because of helping to many and not being able to help anyone anymore. If I wanted to help. This is the way I did it —

Q lir. Jachne, pardon me. I am not asking how you did it. I am asking you to tell me approximately — I don't expect the exact number — how many people you helped by being in the Party. It's a very simple question.

A I can not answer that.

Q Would you say it was a large number or was it a medium number or a negligible number?

A Hany.

Q Now, what do you mean by a large number? Do you mean seventyfive, one hundred, one hundred fifty?

A I can not say anything to this because I try, as a technologist, to give clear answers and I don't want to give approximate answers. That is not my way of doing things.

Q Now, Mr. Jachne, in the TEKO do you recall having had come to your attention any credits for the housing of concentration camp inmates?

A No.

Q It was the responsibility, was it not, of the firm, the particular firm, which secured concentration camp inmates to house them?

A What am I to say about that? That is a matter of course.

Q Now, is it true, Mr. Jachne, that the TEKO had a number of meetings, including some at Auschwitz, and discussed the labor situation at Auschwitz?

A No.

Q I show you Document NI-14728 which will become Prosecution Exhibit 2056. Also NI-14730 which will become Prosecution Exhibit 2057, and NI-14729 which will become Prosecution Exhibit 2058.

- A Did you ask for camps or concentration camps?
- Q I beg your pardon?
- A Mas the question camps or concentration camps?
- Q The labor situation at Auschwitz the general -
- A Yes, I beg your pardon. I didn't hear that correctly. Of course, the camps in Auschwitz were discussed.

IR. VAN STREET: If it please your Honors we will just leave these documents in them as marked without any further comment.

THE FRESIDENT: The copies furnished us were in German so it's just as well that you don't comment on them.

### BY HR. VAN STREET:

- Q Now, Er. Jachne, you mentioned during your direct examination that you talked to your son, Morbert Jachne, who was employed in the Auschwitz Plant. How long was your son employed there?
- A To my recollection he certainly must have worked there for two years, if not more.
  - Q Do you remember the time that is the particular -
  - A Yes, until the end I know, but I don't know when he began.
- Q Now, during the time that he was employed there did he return to Germany to visit you from time to time?
  - A Yes, he did that.
  - Q How often would you say?
- A I really do not know, but not very often because he could not often get away.
- Q Now, I believe you have testified that you visited Auschwitz three times, is that correct?
  - A Yes.
- Q Now, did your some inform you concerning any of the following -that of all the people employed in I.G. Auschwitz, the inamtes received
  the worst treatment? Did he inform you of that?
  - A No.
  - Q Did he -

A But that may be to blame on the type of questioning - the

Q Now secondly, did he inform you that the concentration camp irrates there, that is at Auschwitz, were beaten by the Kapos, who, on their part, had to see to it that the amount of work set them and their detachment by I.G. Farbon was carried out, since otherwise they were beaten as punishment in the Monowitz Camp in the evening — did he inform you of that?

A Not a word, ever.

Q Did he tell you that there was a general system of driving on the I.G. construction site so that one can not say that the Kapos alone were to blame and that the Kapos drove the inmates in their detachments exceedingly hard in order to protect themselves and they did not shrink from using any means of increasing the output of the inamtes just so long as the required amount of work was done.

THE FRESIDENT: Just a moment.

DR. FRIBILIA: Your Honors, I have the impression that these are not facts but conclusions — a type of judgment about a system-which the defendant is being confronted with, and that it is not proper to demand an answer to this.

THE FRESIDENT: The Tribunal can not say the questions are improper if the prosecution intends to follow this up by proving that the son did tell the father. Then it would be proper. But we will assume that if the prosecution does not intend to follow up the inquiry by proving that the sone did tell his father these things, the prosecution will not take the time of the Tribunal to ask such questions.

IR. VAN STREET: Yes. I would like to state to your Honors briefly, this questioning arises upon two bases -- one, the prosecution has an affidavit of the defendant Ja ehne in which he states, and this has been discussed, that he visited Auschwitz and at the time saw his son and discussed, among other things, the gassing of inmates there. We are endeavoring to find out, through this questioning, whether or not father and son

also, at that time or any other time, interchanged any information in respect to the conditions at Auschwitz, specifically the treatment and so forth. Number two -- I beg your pardon sir.

THE FRESIDENT: Go ahea d.

IR. VAN STREET: We also have an affidavit from Norbett Jachno, the sone of this defendant, in which he has unequivacally stated, in sworn form, the very facts which I am now asking his father; if he, the son, discussed with him.

THE PRESIDENT: On the prosecutor's statement the objection is overruled.

IR. VAN STREET: Now, your Honors, I'd like to make this perfectly clear, however. The sone, in his affidavit, does not state that he discussed these particular matters with the father, but that is what we are trying to find out.

THE PRESIDENT: That is quite a different matter.

IR . VAN STREET: Now, I'd like to say one ---

THE PRESIDENT: The objection is overruled. The prosecution may proceed. Did you have something more to say?

DR. FRIBÎLIA: Your Honors, may I have a word please?

THE PRESIDENT: Yes, I didn't notice you were there. I'm sorry,
I didn't intend to cut you off. Go ahead.

DR. FRIBILIA: Your Honors, I would not raise any objection if the prosecution asks for a specific fact or "according to a specific fact your son told you this", or "this is a fact." But I do object to the fact that conclusions are being drawn here that there was a system which was so brutal, and so forth.

THE PRESIDENT: Well, that doesn't meet the matter because the conversation between the father and son, if such occurred, as the prosecution contends, may have been in the nature of conclusions. The objection is overruled. The prosecution may proceed.

IR. VAN STREET: Your Honors, I would like to state one other thing,
I think that this trial, for the most part, has been conducted in the

absence of surprises, to a very large extent, and the prosecution had in mind, among other things, bringingin this document this afternoon so the defense could arrange to bring in some rebuttal testimony if they wanted to or bring in, for that matter, Norbert Jaehne, because after all we had intended to introduce this as a rebuttal document.

THE PRESIDENT: Very well.

### BY IR. VAN STREET:

Q Now, Mr. Jaehne, I want to ask you, did you learn, through your own observations, from conversations with your een, or from anyone clse, that the inmates clothing was exceedingly defective and it was hardly seen how a person could survive in such clothing on cold winter days with a temperature or up to thirty degrees Centigrade below freezing?

A I can merely say what I saw and what I heard there. I was there in April and there were no thirty degrees below zero.

Q Now, did you learn from your son or otherwise that the immates on the I.G. construction sites had to carry sacks of cement weighing fifty kilograms which was sometimes heavier than the inamtes who had to carry such sacks and that when they finished work the immates were exhausted and it was seen that some supported each other when they walked out of the I.G. plant?

A Mo, how could I come to carry out such a conversation?

Q Now, did you learn this from any source whatever — that in the Monowitz concentration camp the inmates, apart from being beaten by sticks, were punished in the so-called standing bunkers, that is they had to stand in a room of one and one-quarter cubic meters?

A I never heard the word standing bunker before. I hear it for the first time.

Q May it please your Honors, I would like to have marked for identification Document NI-12002, which is an affidavit of Norbet Jachne
and just as soon as this affidavit has been processed sufficiently and
properly it will be marked into evidence and given an exhibit number and
the identification number will be ---

THE PRESIDENT: Well now, let's get our records straight. You are offering it in evidence except that you are not in a position to furnish copies at the time.

IM. VAN STREET: Precisely, yes sir.

THE FRESIDENT: Well, then, subject to subsequent objections, if
there are any, your document NI-12002 is now in evidence as your Exhibit
2059, subject to your promise to see that it is processed and properly
distributed. Now, jst before we rise for recess perhaps it's not inappropriate to observe that according to our calculation the prosecution has fourteen minutes after recess to conclude its examination. The
Tribunal is now in recess.

THE MARSHAL: The Tribunal is again in session.

IR. VON STREET: Two very brief questions.

DR. SEIDL: (Attorney for the defendant Duerrfeld)

I object to the admissibility of the affidavit of Morbert Jachne which the Prosecution offered into evidence before the recess. This is an affidavit bearing the date of 22 October 1947. I want to lay my cards on the table and say that I know of this affidavit for several months already. I object for the following reasons. First the Prosecution itself deesn't contend that the contents of the affidavit of the son of this defendant contains anything about what the son might have told his father. Secondly, the affidavit nowhere mentions the fact that any conversations took place between the defendant and his son. Thirdly, the affidavit was taken down by Mr. von malle on the 22nd of October, 1947.

The Prosecution would have had time to offer this affidavit before their case was completed. Fourth, and this is the decisive reason: I have another affidavit of the witness Dr. Norbert Jachne; this bears the date of 8th of Hovenber, 1947. In that affidavit the affiant states how he came to make out the other affidavit which he gave to the Prosecution on the 22nd of October 1947. From that affidavit it can be seen quite clearly that the first affidavit contains a number of assortions which were incorporated into this affidavit by suggestions that the interrogatin officer made to the affidant.

The affidavit which Morbert Jachne gave to the Defense, is more or less, in all points the opposite of what is contained in the affidavit that he gave to the Presecution.

Under these circumstances, I ask that the Prosecution's affidavit be not admitted at all. If that objection of nine is to be overruled, then I ask that the affidavit be only admitted with the reservation that the affiant Morbert Jackne be made available by the Prosecution for cross examination to the Defense.

THE PRESIDENT: Counsel, you can hardly ask the Tribunal to rule

Dursol, are in the record; and, after the Prosecution's affidavit, Exhibit 2059, has been made available to us, we will take the matter up and dispose of it. In the meanwhile, may I inquire is it your purpose to offer your affidavit in connection with this matter now? Otherwise, we will not have the benefit of it and the matter will again be delayed if you are standing on the facts contained in your affidavit: we will be in the same situation as we are with respect to the Prosecution's affidavit. If you wish to offer it now and let it be processed, we will have both affidavits in our hands when we consider the matter and then we will take it up subsequently and pass upon it.

You may do as you see fit about it, however.

DR. SEIDL: That is another reason, Mr. President, why I object to the admissibility. If the Prosecution proceeds in this manner and if they submit now evidence including affidevits in the case of every defendant, then we of the Defense shall never see the end of this proceeding. We have been given a certain deadline by which we have to offer the Defense's document books. I shall submit my last document books in the course of the next few days, which have been stenciled. In those document books the affidavit of Norbert Jachne of course is not contained. It couldn't have been incorporated in it because in that affidevit various points of the Prosecution are referred to. If we are thus forced to wait always for new exhibits that the Prosecution offers, I don't see a possibility for us to finish the presentation of our documents.

THE PRESIDENT: Very well. We have taken care of that by granting some looway in case of surprise or unusual circumstances. What I am concerned about now is this: Do you wish us to consider your affidavit at the time when we pass upon the admissibility of the Prosecution's affidavit? If you do, you had better now offer it and let it be processed and given an exhibit number so that when we get the Prosecution affidavit

we will also get yours and be in a nosition to consider it; otherwise, there will be another delay.

DR. SEIDL: Mr. President, my motion is made with the following and in mind: During carlier opportunities I have already pointed out that witnesses should be examined before the Court. If an affidavit of the Prosecution is admitted, and in a few days the Defense submits an affidavit which contains the opposite, and if the Court has no opportunity to see the affidavits at all.

where affidavits are offered we have always taken the position that the party against when they were offered as entitled to cross examine. What I am trying to find out is: As part of your objection to the Prosecution's affidavit, do you wish us to consider your subsequent affidavit? If you do, you should offer it in evidence so it can be processed and made available to the Prosecution and to the Tribunal; otherwise, when we get around to ruling on the Prosecution's affidavit, we may run into trouble because them you will want to offer an affidavit and it will take a longer time to pass upon the matter. Do you wish us to consider the affidavit to which you referred when we pass upon the admissibility of the Prosecution affidavit?

DR. SEIDL: It is my intention to ask the Tribunal to consider our affidavit when the question of the admissibility of the Prosecution's affidavit is considered.

THE PRESIDENT: Very well; that answers that question. Then, what exhibit number do you wish to give it?

DR. SEIDL: I give it Exhibit Duerrfold No. 1.

THE PRESIDENT: Very well; then you will see it's processed and made available to us and to the Prosecution, and we will pass the whole matter until these affidavits are accessible, and then we will take it up and determine the ruling.

MR. SPRECHER: May we have just one minute?

THE PRESIDENT: Yes.

DE. SPRECHER: Mr. President, the Prosecution is not certain whother or not in this case it has a record of the interrogations which led up to the affidavit of the son of the defendant. If we do, we will make then available to Dr. Seidl. We, on our part, would like to ask Dr. Seidl to give us any interrogations, if he kept any record of them, which he had or which other Defense Counsel had with the son of the defendant Jachne, which led up to an affidavit which allogedly dates back or modifies the affidavit that was given to the Prosecution. Your Honors will note that from what Dr. Seidl, or somebody, apparently found out about that — and we had nothing to keep secret about it — and obtained so to kind of a counter affidavit in November 1947. We would be very pleased to have any interrogations that led up to that other affidavit.

THE PRESIDENT: Now, Counsel, it keeps coming back to my mind that we have been over this territory a good many times; we remember earlier in the trial when the Prosecution offered some affidavits of some defendants. The Defense demanded the interrogations of the defendants and the Prosecution took the position that they were confidential and were not to be surrendered. We will have to be consistent on that, we can't make an order of that kind.

MR. SPEECHER: Your Honor, I haven't asked for an order.

THE PRESIDENT: Then you discuss that with Dr. Seidl after recess and we will go along.

PART SPRECHER: Since the question of duress apparently was raised, and since this is a very interesting correlation in terms of time, we thought that Dr. Seidl perhaps would be glad to furnish that, and that is a request I made in open court.

THE PRESIDENT: Dr. Seidl can enswer himself. The question of duress was involved in the other matters to which I just referred a little while eas; that is exactly where it arose earlier in the trial of this case.

That is a matter between counsel. We have no concern about it.

Gentlemen, we have spent all the time we are going to on this now.

Unless there is something of most unusual and pressing importance, we would rather get along with this hearing.

What did you have in mind, Dr. Seidl?

DR. SZIDL: I wanted to remark very briefly, Mr. President, that we don't conduct our interrogations in the way the Prosecution does, that is, I don't have the record of these interrogations. The affidavits that we —

THE PRESIDENT: Talk to Mr. Sprecher about that at recess.

DR. SEIDL: Yes.

THE PRESIDENT: You may continue, and you still have your fourteen sinutes.

R. W. STREET: Thank you, sir.

## BY .R. V. D STREET:

- irected your attention to article 31 of the Geneva Convention, and you considered upon that article. Now, I want to ask you: Had you read the Geneva Convention on prisoners of war prior to the inception of these proceedings?
  - ... 10.
- Hegue Convention 1907, and specifically to a portion of article VI thereof which I will read and then I tent ou to answer as to whether or not you have read this particular provision of the Hague Convention of 1907. I duote: "The state may utilize the labor of pirsoners of wer according to their rank and aptitude, officers excepted. The tasks shall not be crossive, and shall have no connection with the operations of the wer."
  - .. I didn't read this.
  - E. V. M STREET: That is all, Your Honor.

#### BY E. . ICH.N:

- the TL took place from the period of 1933 to 1939, and that one of the important changes that place in the TL was that the TL no longer had discretion as to whether it should make capital investments, but that investments were made on orders of the authorities. Did I correctly understand that to be your testimony?
- . Fo, I didn't express it in this general way. I said that there here cases and it wasn't true that no further investments in capital were made without the orders of the government, but without their approval none could be made.

- in low, from the period of 1933 to 1939, did the TEL still have discretion as to whether or not capital investments in plants should be made?
- a. In some cases, yes, but with the reservation that material was allocated by the authorities. Then this state of affairs actually arose, when this this absolutely necessary, I don't know any more.
- Q. The question as to a choice whether or not to invest its own money in capital structures during this period 1933 to 1939, that still resided with the TEA and the Vorstand; is that correct?
- ever vesn't Leich-owned plants; we were given certain orders and to could pay for it.
- Q. Now, as the head of the TEXO, you were the technical asn in Farben who dvised whether the construction of general plants was warranted; is that correct?
  - A. Yes.
  - . .nd is it also --
- a. That is to say, I advised as to how the construction was to be carried out; is to whether -- I did that only in the case of general plants.
- ... bout the general plants altogether, and in the case of production plants, I advised about general considerations.
- Q. Now, in connection with the construction of new plants and the enlargement of old plants, you were the responsible official of Forben who passed on the credits requested for power installations, and transportation facilities; is that correct?
- ... I dadn't decide it because the TE, didn't decide anything. The TE, herely made recommendations to the Vorstand.
- . ere you not the technical official who passed on the credits with respect to power installations and transportation facilities?

- . How do you imagine such a thing?
- Q. I merely asked you --
- . No.
- . Then questions of new construction an installation of power facilities and transportation facilities arose before the Total, that function did you exercise with respect to recommending its approval or disapproval?
- Two functions; there is a difference; in Hoechst my opinion was rather decisive as to how it was to be done. Secondly, in the case of the other flants, there was a chief engineer who was on an equal level with me an he decided as to whether it should be recommended in this way. In the technical commission I saw these recommendations of the other chief engineer and I could tell him my dear man, we have had some other experiences; you had better change it. I was able to exchange technical experiences with him that we made in Farben.
  - . Now, in the Tan were you the haghest ranking engineer?
  - a. .. t first I was the only one, and later there were three of us.
  - 1. Now, in the Vorstand were you the only engineer?
  - A. Yes, there I was the only engineer.
- When the second of the second of the second of the second of sulphuric second, smoon other things, were produced for peace time uses. How, is it not a fact that even prior to September 1939, the principle production of Foechst for these products went to the DAG plants which were producing explosives? Isn't that the fact?
  - a. That period of time are you speaking about?
    - Prior to September 1 1939.
- A. I can't tell you anything definite about it because, as you said proveself. I was the technical man and not the production man, but that a large proportion was to have been sent to the DaG plants, that is impossible because we had the large nitrogen plants in order to produce calcium nitrate. There were so many types of productions and Mr. Steig said the production department was increasing all the time.

inc. JCH.N: Le offer in that connection, if Your Honors please, as prosecution Exhibit 2060, NI-14277, and as Prosecution Exhibit 2061, NI-14276, and we shall not interrogate the witness. The merely identify the documents: they consist of reports dated February 1939, and august 1939, from the Feldwirtschaftsamt of the CK, setting forth the allocation of sulphuric acid and mitric acid to the DIG plants, and the reports indicate the quantity of these products that went from the Pocchst plant to the various DaG factories.

THE MARKET: are the documents evailable?

IR. .ICH.M: Yes, they are. I am sorry, they are not evailable to Your Honors yet; we have photostats to hand to Defense Counsel.

THE TRIBIDENT: Counsel, it does seem to the Tribunal that where you anticip to you may offer documents under these circumstances, where you have no interrogation, you should make every effort to make distribution because otherwise we are contronted with a question of delay until the Counsel for the Defendants have an opportunity to study the documents. 'e mentioned that the other day, and I hope you have taken steps to avoid, a repetition of that because it; just in this case now we have a situation here where Counsel will not be in a position to conduct re-direct examination.

TR. JCHAN: Counsel for the Defense have photostats of these documents we just offered; the photostats we have available. Because of the
administrative difficulties, which Your Honors know, the pressure is such
that we can't get all the other processing through, but the photostats
are available now and have been handed to the Defense Counsel.

THE PASSIDENT: Very well. How many of them have you? How many of these have you available, ar. Prosecutor?

DR. FRIEHIA: "e have received one document in one copy and another document in two copies.

THE LESIDENT: That just won't work so far as the orderly procedure is concerned; we cannot expect where there is only one or two documents

direct examination, because again we will be confronted with the necessity of delay, and it does seem to us that you ought to make unusual efforts to try to get copies so that you can make a distribution when you offer the document at the very earliest, or latest, rather.

.R. ... CH.N: we are making every effort we possibly can; there is an unusual administrative procedure now in document control because of a concentration of cases, and these matters are a little beyond our control. Now, if it will help any, we'll mark these for identification.

THE PRESIDENT: No, because even if you mark them for identification they are subject to inquiry then; it won't help a bit unless we have enough copies distributed here so that Counsel for the defense can be expected to go forward with their re-direct examination without delay.

"We are just up against a problem here that loses time for all of us.

12. ...CH.N: Le will make every effort to see that it doesn't occur again.

- Q. Dr. Jachne, with respect to your testimony relating to the oxygan plants in Alsace-Lorraine, is it not a fact that you took the initiative in contacting the government authorities for the purpose of acquiring those plants?
- A. I don't remember that. Perhaps you have something that might assist my memory for the negotiations were conducted by the Vereinigte Sauerstoffwerke, the United Oxygen Plants, and half of them belonged to the Linde Regrigerator Plants, and half belonged to Farben. I don't know it. Perhaps I didn't develop an initiative however. It is possible that I was present sometime.
- Q. Do you recall, Dr. Jaehne, that with respect to the Alsace-Lorraine plants when the government authorities informed your representatives that they would not enter into any lease agreements because that would anticipate questions of pruchase, your representative emphasized Farben's historical rights to acquire these plants. Do you recall that?
- A. No, I don't remember that. Perhaps if you have something I I should like to recall this instance but I don't know anything about historical rights. I was concerned with this affair only later; that is to say, I was concerned with this oxygen business later.
- MR. ALCHAN: We offer in evidence, if Your Honors please, as Prosecution Exhibit 2062, NI-14738, and as Prosecution Exhibit 2063, NI-14739. They are file notes relating to a conference dealing with the negotiations on these plants. The first one, Exhibit 2062, is dated 23 August 1940 at which the defendant Jachne is present and the second one, Exhibit 2063, is a letter addressed to the defendant Jachne of 16 November, 1940. There are sufficient copies for all interested parties and we have no further questions with respect to that.

MI-14278.

- Q. How, Dr. Jachne, with respect to the mobilization plans, is it correct that you worked out the mobilization plans for the Farben plants jointly with the Vermittlungsstelle I and the respective works management?
  - A. No, that is absolutely incorrect.
- Q. What is the fact with respect to your participation in the mobilization plans?
- A. I believe that I explained that very clearly. I had to indicate what I needed in the general plants; that is, what I needed in the way of coal, current and electricity, if the production that the government wanted was to be produced. We needed power, current, water power, workshops, manpower for that and I listed these.
- Q. How, Dr. Jachne, you testified that you disagreed with the Nazi ideology, that you rejected the nonsense of living space and disapproved power politics such as the militarization of the Rhineland and the violation of contracts. Now, is it not a fact, Dr. Jachne, that you joined the Nazi Party after the invasion of Austria?
  - A. Yes. That is a fact.
- Q. Now, you testified, Dr. Jachne, that you joined the Party in order to help people. Now, what people did you contemplate helping at the time you joined the Party?/
- A. I wanted to help all those people that got into trouble because of the Party.
  - Q. What kind of trouble?
- Al There was some talk in the plant I remember, for instance, one case. There was a law against treachery which said that whoever spreads rumors which undermine the defensive strength of the Army should be punished. There was a law previous to that already which said that whoever distrubed the peace in the plant by any action for instance, if he opposed the Party they all had to be in the Labor Front. Those people were denounced by others in a very infamous manner and in this

instance I was able to help, particularly through Mr. Poehn who was the counter-intelligence agent in our plant and was able to get in touch with the Party agencies where he knew one man relatively well. In many instances I was able to achieve something through the intervention of this Mr. Poehn and through the judgment about the general conduct of the person who was attacked in the plant; for instance, we were able to certify, even if it didn't correspond to the truth, that this man wasotherwise a good Party member and that he perhaps made this statement in some sort of excitement, and in that way we were able to help. I myself had no advantageous position in the Party, but I was able to sue my head in such matters.

- Q. And do I correctly understand your testimony to be, then,
  that the people whom you contemplated helping by joining the Nazi Party
  were limited to people working within the Farben plant?
- A. That wasn't confined to only those people but that is where
  I had most of the opportunity to help. If I had heard about some
  other cast I would have also helped. I remember now one case this man,
  Hoisel; I discussed that case with Professor Lautenschlaeger.
- Q. I am sorry; I don't think you understood my question. My question was: what people did you contemplate helping at the time you joined the larty? What general class of people did you contemplate helping?
- A. When I joined the Party, what type of people I wanted to help?

  I must say I always stuck to the facts. I don't know what hopes and prospects I had at the time, but if the need arose I did help. I remember one more case, now that you remind me. He was a Jew, Mr. Haendle, that was his name. I also helped him. I tried to get him some decent work. If you give me some time I could give you dozens of cases.
- Q. That is not necessary. Now, Dr. Jachne, you testified that you were sufficiently a technician to realize that a war was senseless

for Germany, and then you went into some computations of comparative horsepower between Germany and the United States. Now, were you also familiar with a study prepared by Farben's YOWI in December 1941 on the comparative strength of the Japanese and the American navies?

Were you familiar with such a study?

THE PRESIDENT: How, Mr. Prosecutor, you are getting pretty far afield. Just a moment — just a moment. Your question indicates that that study was formulated after the war and involves American — Japanese relations and is perhaps entirely collateral to the matter about which the defendant testified in chief.

AR. ALCHAN: I will abide by Your Honor's ruling. We have no further questions.

THE PRESIDENT: Now, Gentlemen of the Defense, are you ready for your redirect examination of this witness?

DR. PRIBILIA (Counsel for defendant Jachne): I have only very few questions that seem necessary for clarification.

## REDIRECT EXALIBIATION

### BY BR. PRIBILIA:

- Q. Mr. Jachne, the Prosecution attached great importance to the idea of your joining the Party with the purpose of helping people. In that connection I want to ask you something. Is it true that the Farben plant in Hosehst was one of the largest industrial plants in the area of Hesse which was in the public eye?
  - A. It was the largest plant.
- Q. Is it correct, therefore, that also the Party agencies had their watchful eye on this plant?
  - A. I didn't understand your question.

24 March - A-LU-25-1-Arminger (Int. Katz) Court VI - Case VI Is it correct that the Party agencies in this District too had a particularly watchful eye on this plant? A. Yes, that is certainly correct. Is it correct that the Party considered it very important that the leading men of such plants were not in open opposition to the Part /? Yes, otherwise the Gauleit r wouldn't have sent a special representative who told us "Very well. How, you have to register in the Porty. " Is it correct that if you and professor Lautenschlaeger had not joined the Party, s rious dif ic Tales would have arisen with the Party and State a encies? A. May I give you a few details about this? Q. Just be as brief as you can. There were three people who were candidates for the plant management. There was Lautenschlaeger and myself, and Dr. Pfaffendorf -and excuse me if I mention myself in the second place. We knew that if one of us joined and the others didn't, then the influence of the one would be used against the others; for that reason, we said, "If such requests are made, " -- and they were expected any day -- "then we will agree among ourselves that we are going to do the same thing. " There was one more person who had all sorts of functions and ambitions in the Party and we said "That would happen if we didn't join the Party."? He talked to Fr. Schwammborn, who was the manager of the Social Welfare Department, and he said, "For God's sake, you cannot reject this re uest, because otherwise you will see what happens." Then we said, "It will probably be correct for us to join. We will stick to our own way of thinking." -Q. Do you want to indicate by that that the possibility would have existed that some other man would have been appointed by the Party to the management of this plant who would be more agreeable to the Party? A. That most certainly would have been the case. Q. Since we are already talking about the persons whom you 1,0016

helped, can you say that you helped all the employees and the foreign morkers of the Hoechst Plant by your remaining in the management of the plant?

- A. Yes, that is certain. Do not believe that the foreigners in Hoschst would have received such good treatment, if it hadn't been for us in the management.
- Q. Ir. Jackne, the presecution stressed the fact that there was a certain period when the leading people of Farben, quite apart from whither they were in the Vorstand or in the TEA, saw that there were 50 % foreign workers employed by Ferben. Was that something conspicuous or peculiar at any time during the way or was this also true in the other industries?
- that it was a low precentage for I km w, as Chief of the Industrial Department in the Chamber of Commerce, that there were plants where the percentage was higher, and in our new plants that percentage was also higher. We arrived at that figure only by throwing all the plants together, the old and the new plants, and to explain the fact that we had more foreign workers in the new plants there is the consideration that we had old workers in the old plants who were not drafted into the Army, because they were now than 50 years old but in the new plants, we only had new ones who were drafted into the Army and they couldn't do anything different, because they had the young workers.
  - Q. Then the figure of 50% was not poculiar?
  - A. Yos, it was particularly low.
  - Q. And in Houchst, it was only 25%.
  - A. Yos, there were only 3,000 in a total of 12,000.
- o. His. Jackne, the prosecutor asked you whether you had read the regulations of the Coneva Convention which I had but to you and on which you made detailed statements, whether you had read them previously, and you said you had not. Bust I cone ude from that enswer that you did not know the regulations about the employment of prisoners of war at all,

or did you know the facts, nevertheless?

- A. Of course, I know the general outline of the Hague Convention. The Hague Convention of Land Marfare, and The Geneva Convention
  and I did know that there were certain regulations about the employment,
  first, of prisoners of war and, second, of foreigner workers. I know
  that, but I didn't know any details. I didn't read the regulations at
  that time.
- Q. But you know at the time that the employment, as it was handled in Hoechst and in Griesheim, did not contradict those regulations?
- A. It is easy to answer concerning the prisoners of war. In Hosehst we didn't have anything that came under those regulations. In Priesheim, it was the business of the manager of the enterprise and I know that the Tehrancht supervised this employment. I couldn't do more than that.
- Q. Ir. Jackne, what the inschmits subject. You made definite and clear statements in direct examination to the effect that you didn't observe anything that was in any way conspicuous or unusual. You said, furthermore, what your son told you. The prosecution quoted an afficient of your son which is still being disjuted. But we are not concerned with that. I can ask you only once more to reiterate under your eath whether anyone, and particularly your son, told you anything about inhuman treatment in Auschwitz, about gassings, mal-treatments, and all those atrocities that we heard about here, yes or no?
  - A. No.
- Q. If we went a little further now and said, "Let's assume that you son had known something, can you explain why perhaps, he would not have discussed this to you?

THE FRESIDEN: That is purely speculation. That is speculative question.

DR. FRIBILLA: Very well.

?. (By Dr. Pribilla) Well, he just didn't talk to you about it?

- i. 10.
- J. Er. Jachne, the prosecution submitted two reports about express plants. Did you look at them yet?
  - a. I just orused them briefly.
- Q. On direct examination, you stated that you didn't participate in the conduct of these negotiations. You said that circular letters and reports about these negotiations. You said that circular letters and reports about these negotiations were automatically transmitted to you. Can you tell us briefly whether possibly these are such automatic reports?
  - A. Jell, I will have to read them once more.

JUDGE RECERTS: I might inquire, Counsel, are you referring to certain achibits? Would you give us the exhibit number, please?

- DR. PRIBILLY: Judge Norris, if I rumembur correctly, it was 2062 and 2063, Exhibits 2062 and 2063.
- of (By Dr. Pribilla) Ir. ashno, I can shorten this and I shall marely confine myself to Exhibit 2062, that is, NI-1473C. I want to refer to page 2. It says, "Maney" at the top and undermeath it says, page 4 of the original. It is on page 2. You are mentioned in this paragraph. It says there, "As the negotiations made no progress, Dr. Jachne requested a conference." I believe it is necessary that you read through this paragraph and that you tell us whether you remember this and what this whole thing was about.
- A. Yes, I remember now. I was in Karlsruhe, because we had to be certain of what was going to happen. The people who carried on these negotiations told me, "Yes, this thing is going along," but I also heard on the other hand that the occupation authorities were exerting pressure. I also know, because I had heard it, in what condition those plants in Strassbourg Schilligheim and Diedenhofen were. I knew that if we were going to produce in these plants we had to do all sorts of pre-liminary things, and to have to snow what was going to happen; for that reason, I believe I went to Karlsruhe together with Mr. Holler in order to

find out what was going on.

- Q. It says here, Mr. Jachne, that in the course of your conformed with the Government in K-risruhe, you were able to achieve an agreement according to your wishes. Journ't that look as though you had pushed on these negotiations on the commercial side toward the purchases or the leasing of those plants or was this only a clarification about technical affairs?
- A. This had nothing directly to do with the commercial aspect, because they were handled in Alsaco by the Chief of the Civil Administration. I wanted to know what do if this affair was to prosper further, and this after all was an agency where I could obtain some information. To what extent our negotiations were conducted technically I no longer remember now.
- Q. Do you remember with whom you spoke there and what you discussion actually was, or do you remember the reason for your intervention?
- A. The notive for my intervention was that exygen must be produced in Alsaco-Lorranne. I had to see to it that machinery was transferred there for that purpose. At that time I couldn't get them so quickly because no new machinery was being produced. For that re son I had to know, for long-range policy, what I needed.

Thank you. Mo further questions.

THE PRESIDENT: Anything further from other defense counsel?
Anothing from the presecution? Then, Dr. Jachne, yourare excused from further attendance for the time being. What have you now, Dr. Pribilla?

DR. PRIBILLA: Mr. Prosident, I have two witnesses whom I shall interrogate very briefly.

THE PRESIDENT: Announce the name of the first and we will have the Marshal bring in the witness.

DR. PRIBILLA: "r. Hirschel.

THE PRESIDENT: Mr. Vitness, will you please remain standing to be sworn. (Dr. Otto Hirschel, a witness for the defense, took the stand.)

THE PRESIDENT: Raise your right hand, say "I", and state your

THE WITHESS, I, Otto Hirschel ---

Almighty and the Omniscient, that I will speak the nure truth, and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

#### DIRECT EXAMINATION

# BY DR. PRIBILLA:

- Q. Dr. Hirschel, please) for the record, give your full name.
- A. Dr. Otto Hirschel.
- Q. When and where were you born?
- A. 27 Harch 1892 in Frankfurt an Main.
- Q. Dr. Hirschel, I ask you please to consider that each of my questions and each of your answers had to be translated into English.
  - A. Yos.
- the come through before you enswer.
  - A. Yes.
- Q. Dr. Hirschel, please tell the Tribunel whether you were working in Hoechst formerly, and why you particularly are in a position to give

information about the treatment of foreign workers in the Farben plants

- In 1921 I began to work at the Farben plant in Hoechst. In January 1941 I was given the direction of the social welfare department. Therefore I am in a position to testify in detail about the treatment of the foreign workers.
- Q. Were the foreign workers also cared for by your social welfare desertment?
- A. The foreign workers were cared for by the social welfare despertment.
- Q. Dr. Hirschel, can you tell us briefly what brought about the ormloyment of foreign workers -- why that became hecessary?
- A. In order to answer that question I must first tell you that Roschet was not an argaments plant. Hoschet was a so-called K and L plant -- that is to say, a plant that was vital for war and essential. Before the war we lad the so-called production plan which prescribed the production for us in case of war. In this production plan there was only one war delivery contract contained. This was the amount of 375 tons of smoke screen egent a month. In view of the secondary category this Hoechst Plant received, it had great disadvantages in regard to the ellocation of materia and in the allocation of workers also. Because it was a K and L Plant we had to give up comperatively many workers for the armed forces, and on the other hand, in the allocation of new German workers and also foreign workers, we were considered only in a secondary position. That is to say, if we had an opportunity to get in foreign workers we had only two possibilities. Either we rejected the employment of foreign workers - that would have meant that we would have refused the production that was provided for in the production plan. The result of that would have been that the responsible managers would have been arrested for sabotage and that they would have been punished. This course was practically impossible. Therefore we had to choose the second course and employ the foreign workers even if we were opposed to it.

- Q. From what you have said I assume that you didn't like to ampley the foreign workers.
  - A. No, we didn't like to take then in.
  - Con you give us the reasons for this briefly?
- A. The employment of foreign workers brought many disadvantages. On the one hand, talking to them was very difficult. That, of course advarsaly affected the production of the chemical industry with all its complicated processes. Added to that was the fact that because of the employment of foreign workers we had large expenditures. We had to build housing for them with all the sanitary facilities, kitchens and so on. We have to pay higher wages partly and then, because of the current maintenance of the barracks and because of the feeding of these people, we had very great expenses.
  - G. I believe that is enough.
- A. Then in the case of employment of foreigners there was always the danger of sabotage.
- Q. Dr. Hirschel, I believe that you have dealt with this point sufficiently. I want to tell you that we have, through direct examination of Mr. Jachne, clarified some questions here. I merely want to confirm myself with you to certain questions that have not yet been but here and have not yet been clarified. I want to know from you, Dr. Hirschel, when you requested workers from the Labor Offices and other authorities, did you express that you wanted German workers?
- A. Yes, we always requested German workers, but we were always told that German workers were no longer available.
- Q. Wr. Hirschel, during "r. Jachne's examination we have already discussed that a teletype at one time was directed to the G.B. Chem from Hoschst which said that in order to maintain important productions one thousand foreigners were needed for all sorts of products. I notice in that connection that the importance and the urgency of these productions were pointed out. Was it true that Hoschst actually produced very strategic products important for war or how is that to be understood?

A. Armement products that were directly furnished to the Army we did not manufacture, with the exception of smoke screen agents. These were all products that were processed again. But this telegram of which we have been speaking is the enswer to a telegram of the Plenipotentiary General for Chemical production who offered foreign workers to us.

These were certainly leaned—out workers of Belgian and French nationalities. If we wanted to have any success, that is to say if we wanted to get any foreign workers, then of course we had to exaggerate a little. We had to mut our most important products in the foreground. But I want to say emphatically that we didn't nut these new foreign workers to work in the production of these important products. We always assigned the foreign workers first of all to doing simple work — for instance in storehouses, shipping rooms, and so on. and the German workers that were thus released we transferred into the production of the important products.

DR. PRIBILLA: Mr. President, my colleagues point out a translation which might not perhaps express what the difference between an armaments plant and a so-called K and L plant is, the plant which is vitally necessary for war. I believe that the Tribunal has already understood from this difference what was really concerned here. It was the large division into two categories in Germany.

THE PRESIDENT: You can be assured that we understand that from what has already been said.

## IY DR. PRIBILLA:

- Q Dr. Hirschel, would you please tell me how many foreigners were employed in Hocchst, and what nationality they mainly belonged to?
- A In the Hosehst plant, at the most we had 3,000 foreign workers; sainly French, Belgians, Bussians, Dutch, and Italians.
- Q Did you have prisoners of war in the plant as well? I want to point out to you that in one affidevit of the prosecution it was stated that wounded Russian prisoners of war had been employed in the plant.
- .. We had prisoners of war in the plant, but only French prisoners of war approximately 250 of them but they were civilianized already in 1943. We never had Russian prisoners of war, but German soldiers in German uniform of Russian nationality were employed in our plant in 1944. These were the so-called Russian legionnaires who fought on the German side. For the most part, these were crippled people who had lost a limb and who were assigned to us for work, and according to their capability for doing work, they were given light work to perform. But we never had Russian prisoners of war working for us.
- Q These legionnaires were not wounded but they had already been . cured. Their wounds were completely healed?
  - a Yes, completely.
- Q They had been German soldiers. Here they treated badly in the plant?
- A No, by no means. They were also housed in a camp and were treated just like all the other foreign workers.
  - Q You know Article 31 of the Geneva Convention?
- " Yes.
- . Q And you also knew those regulations at that time?
- A Yes.
- Q Was there any type of work in the Hocchst Plant in which prisoners of war were employed contrary to these regulations?
  - A No, I already said before that we were a K & L plant and that we

had no armaments production. We didn't produce anything for armaments.

Dereaver, the French prisoners of war were mostly used in the natrogen
fortilizer room because the Stalag which took care of the French
prescribed to us that these French prisoners of war had to be employed
in large groups.

- Q Was that controlled and checked up on as to whether these French
- A Yes. The Stelag often sent an officer who checked on that, and to should have relied on his testimony. But as I said, there was no amployment contrary to these regulations possible because we didn't have any armaments production.
- The Hirschel, what was the attitude of the plant management about the treatment of the foreign workers? What directives were you given at the time? What were the motives that the plant management had at the time?
- I had daily emferences with the plant manager in my capacity as the chief of the social welfare department. Professor Leutenschlaeger, who was the plant manager, always was of the opinion that we had been given people in trust who were to work for us. If we expect them to do satisfactory work, then we have to see to it that they feel free; that they don't work under pressure or force. We must treat them decently; that is to say, give them good food and house them well. This attitude was always expressed in the meetings of the management in which I participated, and according to these instructions we always acted. My subordinates were always given these directives by me and I saw to it that they were carried out.
  - 4 What were the working conditions on the whole for foreign workers?
- n Forking conditions were generally the same as those that applied to German workers because the German workers worked together with the foreign leborers.
  - Q How about the working hours?

A For the same reason, the working hours were the same as for the Garmans. Towards the end of the war, the working hours amounted to about 53 to 56 hours per week. The labor offices often made difficulties for us in allocating workers to us because we were reproached with having too short a working day and that if we extended these hours they said we could save a lot of manpower. But the gentlemen, Professor Lautenschlaeger and Mr. Jachne, held the opinion that in the chemical industry one should not extend working hours too much for otherwise the people would be exposed to the danger of fatigue and that would increase the danger of accidents and explosions. For that reason, we always opposed an extension of working hours.

In the employment in the chemical plant at Hoechst, was there any dangerous work or any work detrimental to the health of these people?

A The work was not detrimental to health. Products were produced, it is true, which were not harmless, but the plant management had taken all necessary steps in order to avoid detrimental effects to the health of the workers. I can hardly remember that during the later years any danger to the health of workers occurred.

THE FRESIDENT: We may edge up on you about two or three minutes this evening. We have another appointment. Furt before we recess, may I remind counsel that according to our plans we will not be in session on Friday, March 26th, on Monday, March 29th, nor - and please note this, on Tuesday, April 6th. However, since we are giving you three days off, we are going to claim one back, and we will be in session on Saturday, April 3rd. I mention that because some of you may wish to make plans to be away.

DR. MROEN: Mr. President, on behalf of Dr. Berndt I ask that the defendant Dr. Mann be excused from attending the session tomorrow morning to prepare his defense.

THE PRESIDENT: That request is granted. The Tribunal will now rise until 9 o'clock tomorrow morning.

(The Tribunal adjourned until 25 March 1948, 0900 hours)

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of merics against Carl Krauch , et al, defendents, sitting at Dernberg, Germany, on 25 March 1948, 0900-1545, Judge Shake, presiding.

THE ... ROW L: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of ...merica and this Monorable Tribunal.

There will be order in the court.

THE F. IDEM: Make your report, r. Marshal.

THE MARKET May it please Your Ponors, all defendants are present save the defendants Lautenschlaeger and aefliger, absent due to illness; the defendants Lann and Eurler absent, excused.

THE HESIDEM: I don't believe there are enough Defense Counsel present to justify calling on them for any announcement, so you may proceed. Does the Prosecution have anything?

IR. STRUCKER: No, sir.

DR. OTTO HIRSCHEL - Resumed

DIRECT EX. IN TION (Continued)

BY DR. PRINT L .: ( ttorney for the Defendant Jachne)

. Ir. Mirschel, please comment briefly on the pay of the foreign workers.

A. The foreign workers were paid on principle in the same aumner as were the German workers. On the centrary, very frequently the foreign workers received more pay than the Germans; for instance, in the case of losned torkers, because their centracts stipulated that. Furthermore, the foreign workers were not simply covers; if they were able, they were promoted to chemical workers, we it discussion chemists, thysicists, French druggists and French and Dutch coefficiel men. They were employees and were paid accordingly. The foreign workers, besides that, received a separation pay, amounting to one mark per day. In didn't charge anything for their stay overnight.

- .. nother point: How was the disciplinary system handled in Fouchst?
- ... For the maintenance of order in the plant and the torking discipline, to had so-called plant regulations that applied to the foreign workers in the same manner as they applied to the Germans. If a worker conmitted any violetions, then the case was investigated , and if he had vieleted the plant regulations, then he was generally given a reprisend; if he rope ted his offense, and in more serious violations, he are given a fine. For terking on those cases we had several lawyers exployed in the plant. 'e tried generally to setule these offenses within the plant itself in order to prevent any interference from the police or from the sutherities in the factory effeirs. It the end of 1943 a reguittien too issued to the effect that skirkers , after the junitive measures tithin the plant had been execusted, were to be reported; the Germ n workers had to be reported to the Fuich Trustee of Labor, and foreign workers had to be reported to the Gestepo. This regulation we handled very leniently. If a normar continued to violate north discipline again and again, if he had to be purished again and again, and if there was no improvement in his behavior, that is to say, if he was stubborn, of course to had to stop being lemient because otherwise this bad example would have influenced the rest of the workers very unfewer bly. Then, we had to turn in the report. The people who were reported for the so t part were sent temperarily to a correction . ceap. s for as I remember, during the entire mer, there were perhaps five or six foreign workers reported by the Hoschst plant.
- Q. Did these vorkers readin continuously in these correction camps or did they return to the plant?
- then, for the most part, they returned to us. Sometimes they were transferred to another firm.
  - . Ir. Firschel, I want to put three documents to you now. These

are documents MI-11634 and 638, and 14824.

DR. IEIEIL: hr. President; these are Exhibits 2053, 2954 and 2055 which have been submitted yesterday by the Prosecution during their cross exemination.

THE PRESIDENT: There might be a bit of confusion in the record.

That was 2 03, 2004 and 2005; is that correct?

OR. TRIBLIL: 2053, 2054 and 2055.

THE MUSIDEWI: Now, that is correct, I know.

OR. PRIBLE: Your Honors, you will remember those documents; it was stated in connection with them that they were supposed to show that the Hosehat plant reported foreign workers the didn't return from their vacation to the Gestapo.

- O. Nou, as the competent official in the Hosehst plant, car inform us best about this subject. Lould you please look at these documents and then ensure my question as to whether Hosehst reported foreign workers who didn't return from their vacation to the Gestapo?
- A. First of all, I must say that to never reported foreign workers to the Gestape the didn't return from their vacation. If I look at these documents, then I cannot determine thit one can see from them that the Gestapo was called in or that we reported to the Gest go. Noth of these documents, 2053 and 2054, reletters of the Liber Cifice, of the German office, in amsterdam, about the workers, one of whom worked in Pricehold and the other in Hoochst. I assume that the report bout these two foreign workers was passed on by the I bor Office in 'rankfurt to the Labor Office in amsterdam, for we were under an obligation and we are still colleged today to report any new arrival or any discissal or leaving of personnel to the Libor Office; therefore, during the mar be reported every foreign worker who entered our service to the Labor Office and also every foreign worker who left our services was reported to the Labor Office with reasons for his leaving given. It is possible, therefore, that the Frenkfurt Labor Office, which knew the cases of these the workers that hedn't returned, pessed on this report. Document,

Exhibit 2055 centrins four index eards bout French loaned workers; two of these worked in Poechst. The latter perc sent to us through the firm of Portani in Paris; they were loaned workers. These file cards bear the sign ture of the G.B. Chem. Pronce who had an office in Paris. I presume that the proprietor of this firm Portini in Peris, who, by the way, was very often in our Hosehst Plant, approached the G.B. Chem. in Paris about these two workers; at any rate, we didn't inform to the Gestapo. Le had no particularly great interest in such people who didn't return from their vecation and who didn't want to work.

- Then you maintain your statement that Hoechst never reported torkers to the Gestapo who didn't return from vacation.
  - A We never did that.
- Q Mr. Hirschel, in an exhibit of the Prosecution, an affidavit of De Bruyn that you also know, it was stated that the foreign workers were beaten in the plant.
- A That is quite impossible. Any beatings were forbidden in the plant and particularly beatings of foreign workers were forbidden.

  Of course in a plant employing twelve thousand workers there were altercations now and then, that couldn't be helped, but then the guilty was always punished even if he was a German. In some cases we punished Germans who had beaten foreign workers.
- Q Dr. Hirschel you talked about the employment of foreign workers and about the maintenance of discipline. I want to know briefly from you what the plants did for the foreign workers in a positive respect for instance, their housing.
- A The foreign workers were housed in private billets and in our bachelor home, a brick building; then, in the halls of restaurants in Hoechst and the vicinity. By far the majority was housed in barrack camps; these barrack camps were the same as those used for the Reich Labor Service. They were newly constructed and were comfortably equipped; they were heatable, had electric lights and we saw to it that the barracks were always warm in the wintertime. Since the coal that had been allotted to us by the economic office was not nearly sufficient for this purpose, Mr. Jachne very magnanimously made available to us some coal that had been originally intended for the production of electric current. The barracks themselves were divided up into little rooms in which bunks were placed one above the other. They had straw mats on them; we had closets, tables, chairs in these barracks in an adequate amount. The more intelligent workers were given single-decker beds and also the women; the letters' beds were usually covered with sheets, and

- the little children also had little bedsteads that were painted white.
  - Q Were there enough senitary facilities?
- A Yes. In every camp there were latrines, washing facilities, shower baths, dayrooms and canteens. In the day rooms they had a radio and we provided books; we bought periodicals, books and newspapers. All of the rooms were always kept clean. For this purpose we detailed charwomen who were paid by the plant. The vermin that the foreigners brought in was destroyed by frequent disinfections of the rooms, and through renewal of the straw in the straw bags.
  - Q Do those camps still exist today?
- A Yes, the comps are still existing today, the way they were in-
  - Q Did the German guards become guilty of any excesses?
- A It was, of course, also forbidden to the German guards of the camp to beat foreign workers or to punish them in any way. If a foreign worker had behaved improperly, the guard had the duty to report this. The guards of the camp had no weapons.
  - Sould a foreign worker complain in any way?
- \* Tos. The individual nationalities had elected their own so-called confidential representatives and these representatives could present requests and complaints at any time to the social welfers department, and they made use of this institution very liberally. I myself spoke to a confidential representative now and again who wanted something.
  - Q One brief word about the food.
- \* The plant did whatever it could for the food. I had a very efficient expert; I had employed this Lir. Do Vries, a very efficient expert, in order to supervise the food for foreign workers. Professor Leutenschlaeger and I always told this man that money was to be no object in feeding these foreign workers.
- Q Thank you very much, Mr. Hirschel. The subject has been treated sufficiently here already. How about the medical care?

- The modical care was sufficiently taken care of; the foreigners were cared for in the same menner as far as medical attention was concerned as the Germans were. We had two German plant physicians; one female physician and in addition, the foreign workers had a French physician and a Russian female doctor. There was one barracks which was available as a hospital for the sick which contained about 80 or 90 beds. This hospital barracks was used as a hospital for the Poles when the American Army occupied Hoechst, which is proof for the fact that the hospital barracks was perfectly in order. Furthermore, we had a maternity word, particularly for the female foreign workers, where a German nurse was employed full time.
- Fir. Hirschel, we don't want to go into any more details, but perhaps in conclusion can you give us a summary about the reputation of the Hoechst plant; how the foreign workers regarded the Hoechst plant; what experiences you had about how the foreign workers felt in Hoechst; whether they were very unhappy or whether they were fairly satisfied?

A. I want to emphasize once more that we did everything in Hoochst in order to make the stay for the foreign workers as pleasant as possible in order to have willing workers with thom one could work best. That was the spirit which emanated from lesurs. Lautenschlaeger and Jachne. By far the majority of the foreign workers, in my conviction, felt happy. They were satisfied with their work and with the care that was given them. Of course, in view of the large number of foreign workers which passed through the camp, there were always cortain people who were forced by the pressure of those times to come to Hoschst and who were therefore dissatisfied. One couldn't satisfy those people of course, but they were only rare exceptions. By for the largest part of the foreign workers felt differently. The French and Bolgian loaned workers, who had obligated thomselves for six months at first, for the most part renewed their working contracts voluntarily. Many French and Belgians had their wives join them which is an indication that they felt happy in Houchst. One can say that the attitude of the foreign workers towards the plant management, to their immodiate superiors, the foremen and supervisors, and to the other fellowworkers was very positive. The Russian workers and female workers particularly very soon developed a close relationship of confidence to their German colleagues. We always tried togive these people entertainment. We had theatres, musical performances. We had variety shows in the afternoons which I personally visited very frequently. We had Christmas parties arranged separately for every nationality and to the great regret of my family I spent Christmas Eye and the first Christmas Day mostly with the foreign workers and only spent a few hours with my family and six children. As I think about all that, then I must say that one certainly cannot speak of any terrorization or enslavement of the foreign workers.

DR. PRIBILIA: This concludes the exemination of this witness,

Your Honor.

THE PRESIDENT: The prosecution may cross examine,

#### CROSS EXAMILIATION

#### BY IR. VAH STREET:

- Q. Ir. Hirschel, will you kindly tell us what your present onployment is?
- A. My present employment is exterminator. I am working in a firm which combats insects. We do practical exterminating work.
  - Q. What is the name of the firm?
  - A. AED in Friedberg /Hosse. The General Exterminating Service.
- Q. How, ir. Hirschel, on your direct organization yesterday you were asked whether you liked or welcomed the employment of foreigners and you answered: "No, we didn't like to take them in."

Now, as loader of the social department at Hoechst you participated regularly in the directors ! moutings did you not?

- A. Yos.
- Q. I now ask you if you remember making the following statement in a sworn affidavit which you gave to the prosecution, and I quote:

"Then for the first time, the question of the employment of foreign labor came up in a director's meeting, the management maintained with certainty that foreign labor should be utilized. One can not say that the I. G. Farben was against the employment of foreign labor. Because German labor was not available in sufficient quantity, the management welcomed the engagement of foreign workers."

Now, do you remember making that statement, do you not?

- A. Yes, quite.
- Q. How, yesterday you were asked about a teletyped request for workers which was directed to the G. B. Chem. that is, Krauch's office from Hocchst and you stated that this teletype was in answer to a telegram of the B.B. Chem. who had offered the foreign workers to Hocchst. Do you remember making that statement?

- A. Yos.
- G. Then shortly thereafter you stated that if you wanted that is, Hosehst wanted to get foreign workers, you had to exaggerate. Now, will you please explain to the Tribunal how it would come about that you had been offered workers by G.B. Chem., on the one hand, and then have to exaggerate in order to get them, on the other hand?
- A. I already explained yesterday that we were forced, because of the emergency situation, to employ foreign workers. We would, of course, have preferred to have employed Gersan workers but we had to take the bitter pill and take in the foreign workers in order to meet the schodule of the production plan which we were given. That is the reason....
- Q. I beg your perdon, ir. Hirschel. You apparently did not understand my question because you're not answering it. I directed your attention to your testimony yesterday wherein you said that Hosehst had been offered foreign workers by G.B. Chem. and then, shortly thereafter in your testimony, you said that you had to emaggerate to G.B.Chem., because you were still referring to this teletype, in order to get workers. How, the precise question is, how did it come about that you would be offered workers, on the one hand, and then have to exaggerate in order to get them?
- A. Hoselist had been given a secondary classification and could get workers only with difficulty because the armounts plants had priority in getting foreign workers and German workers. In order for us also to be able to get foreign workers we had to eneggerate and to emphasize our most important production for, if we had indicated that we needed these people for storage rooms, etc., then I don't believe that we would have had any workers assigned to us.
- Q. Now, ir. Mirschel, getting down to the real facts, is it not true that instead of G.B. Chemie offering workers to you, did you not actually, in the first instance, have to make application to G.B. Chemie?
  - A. I don't quite understand the question. .

- Q. I'll restate it. Is it not a fact, in order to get workers, foreign workers, through the organization of G.B. Chemie that you had to make an application to G.B. Chemie?
  - A. Yes.
  - Q. Thank you.
- A. We made use of that very frequently. We were in constant touch with the G.B. Chemie in order to get workers.
- Q. Now, ir. Mirschel, you mentioned yesterday that 250 French prisoners of war, who worked at Moechst, were civilianized in 19h3.

  How, will you explain to the Tribunal Just what this term "civilianized" means, and, in particular, does it mean that the Trench prisoners of war, after they had become civilianized, were free to go home that is, back to France if they had so desired?
- A. No. A regulation was insued at the time that the French prisoners of war, who were ready to continue work in a civilian status at the plants, should be civilianized. As far as I know, the Stalag asked the French prisoners of war who was ready to accept these conditions. By far the majority accepted and declared that they were ready to remain as civilian workers in Hoechst. Only a very small minority of the prisoners of war did not accept this offer and because these people were only a few, they were transferred to another camp by the Stalag. So, from 19h3 on, we had no more prisoners of war but only French civilian workers who were given the same benefits as all the other foreign workers.

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- Q. In other words, one of the primary prerequisites for getting the civilianized rights was that the French F.W. would agree to stay and work at Hoochst, is that right?
  - L. Yes.
- Q. Now, Mr. Hirschel, is it not true that you yourself actually made as many as three trips to Paris in the interest of securing French terkers for Modelst?
  - A. Yes.
- Q. Now, that's sufficient. You have answered my question. Thank you.

Not, is it not true also that the efforts of G.B. Chemic in recruiting workers were directed towards securing skilled workers? That is, workers who would meet into the production programs of the chemical plants in Germany.

- A. To received ermitsmen from Balgium on a losa basis arranged by the G.B. Chemia. From France, we get unskilled workers. We, of source, expressed the desire to get people who had already worked in the chemical industry before, but that request could be complied with only to a very small extent.
- Q. Now, to assist the G.B. Chemie to achieve the acquisition of markers did you not, at one time, send a Dr. Simon not only on trotrips to Paris but also on one trip to Italy?
- A. .e didn't sond Dr. Simon to Italy. The G.B. Chemic representative in weisbalen did that. Dr. Guenther had asked us to make available one gentleman, and he named Dr. Simon expressly, for a short period of time in order to work on the recruitment of workers. That was a request of the Planipotentiary General for Chemical Production in Teisbaden. Since we hoped in this manner to get some more workers, we, of course, accorded to the request.
- Q. Now, Mr. Hirschel, who in Hoochst had to approve of Dr. Simon's temporary leave from the plant of Hoochst? ... and that have been

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you or would it have been Dr. Lautenschlagger or just the would have to approve that?

A. The final approval was given by the plant manager. I discussed this affair with Frofessor Lautenschlanger in our daily conferences and I obtained his approval.

DR. FRIBILL: Mr. Fresident, I hasitated for quite seme time tofore making any objection, but I have the feeling that the mitness is now constantly being asked about testimony that has not been effored into evidence. Eccause I know exactly that the affidavit he gave to the Frestoution is not in evidence and he is also being asked about subject matter which was not part of the direct examin tion.

THE FRESIDENT: What ab ut that, Counsal?

IR. VAN STREET: Your Honors, I think to are perfectly within the seeps of the direct examination of this witness, particularly on the type of workers which was secured by Heachst through G.B. Trumie.

THE PRESIDENT: Woll, that's not so far afield from his testimony in chief as to be improper. The objection is everruled.

BY UR. V.N STREET:

- Q. Now, one other question along this line, Mr. Hirschol, in connection with Dr. Simon's trip to Paris. Do you remember telling the presecution that this drive netted about one hundred men for Hoochst ofter six to eight weeks?
  - A. Yos.
  - Q. Thonk you. You have array rod my question. Thank you.

Now, Mr. Hirschol, how many Gormans would you say were disciplined for beating or abusing foreign workers?

- difficult for me to fix the exact figure ....
  - Q. .- pproximately.
- Funished who had besten foreign workers.

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- Q: how were they disciplined or punished, as you say?
- A. They were punished in accordance with the plant regulations. If a Corman was provoked so that his action could be excused, then he was only given a reprimend. If that was not the case, then he was given a find and usually the foreign worker concerned was transferred to another factory so that he get different superiors.
- Q: Could you parhaps give me the name of one of this extimated number of four German workers who were disciplined?
  - A. No, unfortunately, I cannot do that.
- this marning that H-ochst navar reported foreigners to the Gostape or to the SS who did not return from leave and that H-ochst was not interested in workers who did not return and did not want to work. Now, I am going to refer & document to you, Prospection's Exhibit 1963. NI 6151, which is found in Prospection's December Hook 69, English 142, Gorman 177. These are the minutes of a Maingau technical mosting held at Frankfurt-Hoochst on 24 January 1944 and attended, among others, by Dr. Lautenschlabger and yourself. On page 3 of the English copy, I quote:

"Gabherdt reports that from 1 Fabruary 1944 on the operating firms in Balgium are again allowed to hire workers and it is hoped that it will lead to an increased employment of foreigners. It is intended, at our instigation, that the SS take measures against the foreigners the do not return from their leaves."

That is all I have, Your Honors.

THE PRESIDENT: Did you ask him any question?

IR. VAN STREET: No. I didn't ask him anything. I just wanted to show him the document.

THE PROSIDENT: That would be the purpose of showing him the document unless it is the basis of some interrogation, Mr. Prosecutor?

MR. V.N STREET: T. rebutt. I lod up to it.

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THE PRESIDENT: It wouldn't help to show something to him and not ask him about it.

BY MR. V.N STREET: Very well, I'll ask him a question.

- Q. Do you have any comment on that, I'r. Hirschel?
- A. Yes. This was a report of Engineer Gebhardt in the Directornto's meeting about a trip that he made to Belgium. This sentence
  "against foreign workers who did not return from loave", and then,
  "the SS are to take steps against these at our instigation" is a passage
  from the report of Fr. Gebhardt and not a resolution of the Directorate's
  meeting. What Mr. Gebhardt wanted to express by this at the time I de
  not know any more today, but I assume that the G.B.Chemic in Brussels
  wanted to take steps against people who didn't return from loave by
  contacting the SS if these who did not return were reported by us. But
  that's only an assumption of mine. One would have to ask Mr. Gebbardt
  about this point.
  - Q. The signed the minutes of this particular meeting?
- A. Professor Lautenschlanger signed it and I propered the minutes.
  - Q. Thank you. That concludes my cross examination.

    THE PRESIDENT: Anything further fith this mitness?

### REDIRECT EX.MIN.TION

## SY DR. PRIBILL:

Dr. Pribilla?

- Mr. Frasident, unfortunately I am forced to put a few questions since the presecution interrogated this witness rather lengthily.
- Q. Dr. Hirschel, first of all, the last document that the presecutor submitted to you. Do you yourself still remember this meeting?
  - A. No, I can't remember this meeting any more. Not I.
- Q. Can you say whether any resolution was over made in this mosting or in any other meeting of the management that Hocehst wanted 100h2

to report foreign morkers?

- A. .. resulution to mopert foreign workers to the Gestape or to the SS was never sinde by Hoechst. We, of course, did report them to the Labor Office because that was our duty.
- Q. But you still maintain your assortion that the possibility of reporting workers to the Gestape was never used?
  - ... No, it was nover used.
- Q. Can you tell us a few words why that wasn't deno? was that additionate attitude of the management of Heachst?
- 4. Yos, one can say that. That was a deliberate procedure on the part of the management. We didn't want to have too much to do with the Gestape.
- For is. If don't want to take up the Tribunal's time, but want to put something to you very briefly. That's a document from my Document Book #1. Jackno Document 15 on page 42. I'll give you the exhibit number 1 tor. On page 3, ir. Simon at a about the trip to Faris I quote: It's on page 44 of the document book. This is Jackno Exhibit #32. I quote: "The Hoochst plant did not maintain any recruiting agencies abroad. That assistance it rendered chasisted in detailing from time to time se-called liaison officers for limited periods of time. It was their business to inform foreign workers who went to Germany to work of the type of work, wages, board and lodging, and conditions in general in order to make differences of opinion impossible from coming to Hoochst who would have made trouble constantly. Can you, from your own knowledge, say whether this is a correct description of Mr. Simen't activity?

- ... No, Dr. Simon was not temporarily detailed. Dr. Simon went to Paris only for two or three days in order to take up contact with the G.B. Cham. in Paris. But we requested Dr. Stellmann, who was a retired Farben chemist, to go to Paris for a few weeks as a liaison man. He was to become active in the sanse in which Dr. Simon has expressed it in his affidavit.
- Q. From this statement I take it that one wanted to recruit workers and that these workers w re voluntary workers, is that correct?
  - MR. SPRECHER: Just a second. "a object to that as very leading.
- THE PRESIDENT: That is leading. The objection is sustained. BY DR. PRIBILLA:
- Q. Then I will ask you something also. You were asked about the French prisoners of war who were civilianized. Did the Hoechst plant also have German workers who were drafted for labor in the Hoechst plant?
- A. Yes, very many men and women were drafted for labor in the plant and worked there. During the later years there were even married women who no longer had small children, and who were drafted for labor.
- Q. That is enough. Dr. Hirschel, could these drafted German workers, at any time, stop working and go home?
  - A. No, that was forbidden, too.
- Q. What would have happened to such a worker who would have stopped working nevertheless?
- $\hat{\mu}_{\bullet}$  we would first have made use of the internal punitive measures within the plant.
- The Excuss maif I interrupt you. We don't want to hear about the measures that the plant could take itself. What would have happened to such a person if the police had caught him in some other town? Would he have been punished?
- A. Yes, he would have been punished too because he left work without leave.

- DR. PRIBILLA: Thank you very much. I have no further questions.

  THE PRESIDENT: Anything else of this witness?

  BY JUDGE MORRIS:
- Q. I wanted to ask the witness a couple of questions. About the prisoners of war concerning which you have testified that were civilian—ized at the time they made application to become civilians they were working in the plant at Hoechst, were they?
- A. I can't remember that any more. I believe that this question was handled by the Stalag that is the armed forces, and the Stalag then informed us that a certain number of French prisoners of war, and he gave us their names, want to become civilianized and continue to work, but what the process itself was I don't know.
- Q. No, just a minute. I am not asking you what the process was.

  I am asking you whether or not at the time they made application to

  be civilianized they were already working in the Hoschst plant.
- A. I don't know anything about that. I understand your question to mean whether the French were still prisoners of war when they made application to us to become civilianized. Is that right?
  - Q. Yas.
  - A. I can't remember.
- Q. Well, let me put it another way. Did you employ, in your plant, French prisoners of war before they became civilianized?
  - A. Yes.
  - Q. You did.
  - A. The French prisoners of war had been in the plant from 1941 on.
- Q. Yes. Now, what advantage did they obtain by becoming civilianized — that is changing their status from prisoners of war to civilians?
- A. First, they were able to leave freely just like any other German worker. He wasno longer guarded. He was no longer behind berbed wire an not guarded any more by German soldiers. This Frenchman was given German food that is the camp food which was higher than the normal food

rations for Garman civilian workers. Furthermore, he received the same pay as the Garman workers or if he was an employee he received the employee's wage. Bacause from among these prisoners of war we also selected people to work as commercial men who were given an employee's contract.

- Q. When you speak of them being free to leave like the German workers, they were not free though to quit and go back to France, were they?
- A. They, of course, had signed a working contract for a certain length of time. I don't know any more for what period of time this contract ran. I assume that it also was extended for another six months. These people were permitted to go on leave to France.

JUDGE NO RIS: Thank you. That is all.

THE PRESIDENT: Do you have anything further, Dr. Pribilla?

DR. PRIBILLA: No.

THE PRESIDENT: Does anyone have anything further with this witness?

Then you are excused, witness, from further attendance.

What is your pleasure now, Dr. Pribilla?

DR. FRIBILLA: I want to call my last witness, ir. Poehn.

THE PRESIDENT: The Marshal will bring in the witness.

(Mr. Hans Poshn, a witness for the defense took the stand).

Mr. Witness, will you please remain standing, raise your right hand, say "I", and state your name for the record.

THE WITNESS: I, Hans Poehn -

THE PRESIDENT: Now repeat after me the oath - swear by God the Almighty and Omniscient that I will speak the pure truth , and that I will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

- Q. Mr. Witness, please give your full name for the record.
- A. Hans Poshn.
- Qo. When and where were you born?
- A. On 21 July 1883.
- Q. Mr. Poshn, would you please tell us how long you have been working for the Farben plant in Hoschst and what work you were doing there?
- A. I have been working in the Hoschst plant for 26 years, exactly 26 years. I entered on 1 November 1919. First F was put to work as an essociate director of the welfare department. Then I was a deputy manager of the plant administration department and later I was its sole chief. The plant administration comprised the work that was not directly either of a chemical, technicalor commercial nature, and these people, in order to take the brunt of this type of work from these other people—
  my work comprised the loading places, the traffic control, the feeding of German workers, the equipment, storage rooms for clothing, laundry, sanitary facilities, day rooms, wash rooms, and the Pike. But first of all the accident prevention in the camp, the preventive fire protection and fire protection itself and work security and also the arrangement of inspections of our plants and visits to our plants.
  - Q. Did you have to take care of air raid precautions also?
- A. By reason of my activities that I have mentioned, I was appointed chief air raid warden in 1931. In 1935 I was appointed counterintelligence agent of the plant.

Q /hr. Poehn, do I understand you correctly that your position was

A I M s responsible for the security, the discipline and the eneral clearliness in the plant.

Q Then as strategic and disciplinary officer you would have had to have at an early time if any preparations for war had been made.

A . Wes, certainly, that is the case, but I am firmly convinced that there was not a simple person in Moechst who ever thought that war might come about, and particularly not those people who were in charge of us -- Ir. Jachne and Professor Lautenschlaeger. I want to mention two facts in this connection. In the later summer of 1939 very shortly before the outbreak of war, the business manager of the food installations told me the following -- a wholesale food dealer had called him on the phone and had told him that a large lant in our jurisdiction had bought three carloads of moodles in order to store them for their food stock. This lar e plant, and I knew that, was in close contact with a large American ente prise -- that is, with people whose greater insight could better recognize the unstable political situation than we could -- and I became suspicious. The refore I asked Tr. Jachne, because I always had the privilege of going directly to the Vorstand members and report to then, whather he would not apply for a credit of 100,000 to 150,000 Reichmarks for storing of food. I said that we would use these foodstuffs later if it was unnecessary to do so. Wr. Jaehne replied, and I can only give you the sense of his words -- he said: "I am not going to apply for this credit. Mo ressonable human bein; thinks that war will come about and such hysteria only increase the nervousness and bring disorder into out plant." A few days later, I still remember this very clearly, I approached in. Jachne with the question hos we should conduct ourselves towards certain demands of the air raid agencies made of us which I considered examperated, and in that connection I emphasized again that he always rejected anything unregenable -- that he slowed things down if he could not do it in any other way -- merely by not a proving the necessary credit.

And then Mr. Jaehne answered me and I will only give you the meaning of his words: "The authorities caused us many troubles and one is always psychologically opposed to them — perhaps even re dy to fight them — but notedy will be stimid enough to start war I hope."

Q Mr. Poohn, you were speaking about the air raid precautions and you already have sworn out an affiderit about this subject which Mr. ter Meer submitted among his documents. Therefore I want to touch on this point only very briefly. You, as the decisive person for the air raid precautions in Moschet, were an expert in that field. Can you answer the question whether any of these measures of the authorities indicated that a war of aggression was being planned?

A No, they didn't indicate that. If one interprets air raid precautice methods as an agressive intention, that would be the same as saying that you keep a fire department in order to have fires or if a mining director has an accident prevention group in order to have accidents in his mine. One must not confuse "with the purpose of" with "in case". The air raid precaution measures were is tituted on the basis of negotations that took place in Paris in May 1926 when Paragraph 198 of the Versailles Treaty was discussed and these morsures were permitted for Germany when all the other countries around Germany to an to rearn their air fleets. The newspapers of the foreign countries to an to deal with this question. I remember a parphlat of an Italian aneral making serious statements about this subject. The overment of Drawn-Severing in Prussia at the time instituted air raid procautions.

Q Mr. Poehn, excuse me if I interrupt you. We don't want to go too far afield. I want to ask you specifically. Was very much done in the Moschst plant in the way of air raid precautions?

I must say this first. For the civilian air raid precautions the Reich Association Industry, the later Reich Group I dustry was responsible in order to keep a protecting hand over the plants so that no exaggerated or impossible demands should be unde and industry welcomed their taking charge. We in Hoechst executed what the Reich Group I dustry prescribed

for us. We couldn't leave them in the lurch because we could not afford to lose their protecting effect for the safeguarding of the plant. Added to that, the Hoechst plant already had a very excellent accident prevention systme. That is necessary for a chemical plant. We had a fire department with all the necessary equipment for combatting catastrophies in the plant. The use of the gas was customary in the Moschst plant for decodes. It's a tool for the worker that he often uses in a prevention my bucause in main broaks or other disturbances there witht be a har will effect of acids and gasses on his health. We had wasures for the quick treatment of sick and wounded that were worked out to the smallest details, and therefore we ware in a position to meet the derends that were made almost before they were made. The task that we were given in 1931 during a locture in which I participated, we interpreted to mean that we went to use the ghost of the air war to investigate and to chack over the accident prevention system in our plant. I know that when I gave this locture about this subject Mr. Jahn said, "Very well -- we are always going to make available money for accident prevention in the plant but not for any institutions that have nothing to do with the production and the manufactures in our plants. We are a peace plant and we are not a barracks for soldiers." This position of avoiding any misapplication of capital was strictly enforced by ir. Jachne. I remember one instance before the war broke out. Ir. Jachne gave me the order to reject the entire budget in a mosting of "a branch of the Reich Group I"dustry -- to reject this entire budget which was proposed because he didn't consider it proper to make too much money available to this agency because they would only interfore in the affairs of the plant to a greater degree. When the war broke out we were dquipped with a good accident prevention system, but our air raid precaution system was not ready for war. The air raid shelters were splinter-proof and perhaps also protected against fragmentation, but not against direct hits. I am firmly convinced that the plant management -- that is Mr. Jachne, and Mr. Lautenschlaeger -- if they had only had the

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raguest idea that a war would come, they would have taken different steps. We only constructed a real safe bunker against bombs in the last year of the war.

Q Fr. Pochn, the prosecution has contended here that already before the war air raid manouvers had been instituted.

A The expression war games was even used and that expression is entirely wrong. Air raid precaution tests or maneuvers were a check of the air raid warden as to whether or not he was the suitable person and whether he had the necessary stamina and nerves to be able to meet the crisis of such a moment which which which be the result of an air raid. Whether he is able, with the restricted means at his disposal, to recognize at an early time, where he was going to use them in order to save human lives and property.

Q Thank you very much, H. Poshn. I think that is enough. I want to ask you something else.

THE PRESIDENT: We will now have our recess.

THE MARSHAL: The Tribunal is again in session.

DR. TRABANDT (Counsel for defendant Duerrfeld): Your Honors, before the examination of the witness continues, I should like to ask you to excuse my client, Dr. Duerrfeld, for this afternoon and for the next two days. We need that time in order to prepare our defense.

THE FRESIDENT: You know, of course, there is no court tomorrow or Honday anyway. Did you mean for next Tuesday?

DR. TRABANDT: The two next days in which we are in session. That is Tuesday and Wednesday.

THE PRESIDENT: These are granted.

DY DR. FRIBILIA (Counsel for defendant Jachne):

Q Witness, you had a large number of foreign workers in the Hoschst plant. Did these also participate in the air raid precautionary measures of the plant?

A The foreign workers did participats in those air raids precautionary installations. Mr. Jachne had ordered who was to sit with us at our desk and who was working with us at the same machine, whoever was standing and working at the same lathe, was entitled to receive the same protection at the very same spot as the German worker. This was not entirely in line with the official directive but for reasons of humanity we thought that would be the only correct course of action.

I was in charge of supervising the air raid precautions in the various camps. Here care was taken to the greatest extent. If the camp was not close to a tank then water was supplied in order to extinguish any fires which might arise. The camp guards and foreign workers composed voluntary fire guards from their own ranks which were equiped with mobile hoses, fire hoses, with fire extinguishing material and equipped with everything else which was necessary in case of catastrophe.

I can cite an example, During an attack a number of incendiary bombs dropped into a camp of Russian workers. One barrack was immediately aflame. The fire was extinguished, without it being able to go over into other barracks, in spite of the severe wind blowing. When submitting our

report on that fire the Reich-Group Industry recognized this perticular instance as an example of care in order to prevent catastrophe in camps of foreign workers.

Q Witness, my question was intended to have you tell me whether the foreigners could use the air raid shelters in the same way as the Germans.

A Yes. I already said that the work management held the point of view that the foreign worker who worked with the Germans is also entitled to the same air raid protection.

Q Titness, you said that you were entrusted with the discipline in the plant. I assume that that meant that you had to prevent punishable actions taking place and that you had to take appropriate measures. How did you do that?

A The prevention of punishable acts was the aim of the Hoechst plant. Everything was done in order to eliminate any temptation to commit any crimes in a plant like that where thefts can easily occur. Already in the year 1920 the plant had instituted a plant guard. These guards were special clothing. They were black trousers, blue jacket and a cap. The jacket was double breasted. This looked like the clothing of a concierge. Anything which could in any way resemble a military uniform was intentionally avoided. These guards were to be recognizable from afar. If somebody was subject to any sort of temptation and if he then saw one of these guards approaching then did not commit anything we were satisfied with this result.

Q liitness, were these guards under your supervision?

A Yes. These guards were under m supervision in my capacity as Abwehr representative and head of the working discipline.

Q Mr. Poehn, what were the directives given to you by the works management, by Mr. Lautenschlager and Mr. Jaehne, with respect to the commitment of these guards?

A In the Hoechst plant we had a principle which all of us made our own. We had a principle in the Hoechst plant to the effect that the

Hoschst plant was to distinguish itself that during the war it never had to impose any punishments and resort to police measures.

Q Does that mean that you didn't want to use the assistance of the police and the authorities?

A No. We didn't want to use the help of the police or the authorities. Let me point out to you that during the war these guards were to be given responsibilities of policemen. When the gentlemen of the armament inspectorate came to me who was to give them these responsibilities, I rejected that course because police responsibilities would have obligated the guard to report any crime to the police. This would have taken away from the working management the opportunity to be merciful and and to aleviate any police measures, only later when the armament inspectorate and the authorities gave us the permission that all such reports should at first come to me in my capacity as Abwehr representative. We formally fulfilled our obligation to the authorities and, on the other hand, were still the masters in our own house. It meant that the working management itself could decide whether a crime was severe enough to be reported or whether it was purely a small matter which could be dealt with summarily.

- Q. Mr. Poehn, you said before that it was a principle of the plant not to report to the police any punishable acts. Did that hold true for foreign workers?
  - A. Yes, in exactly the same way.
- Q. Throughout the entire time, did you hear of any reports according to which foreign workers were besten at the plant?
- A. The Hosehst plant did not know of any beatings. That would not have been in line with the honor of the plant management and its employees. A beating of workers was always forbidden and always punishable. However, I do remember one case. A foreman who ordinarily acted very calmly gave an order to a Folish worker, whereupon the Folish worker replied to whim with an insult. The foreman reacted to this insult by beating the Fole. However, the foreman lost his tamper. The foreman was told that, and the works management reprimanded him. Nothing happened to another place of work. Later I asked about his conduct and I found out that he remained a good worker. I myself, in my capacity as Abwahr representative, reported this case to the Abwahr Office in Frankfurt. To avoid rumors being spread, I wanted to avoid any impression that the beating of foreign workers was telerated at the Hoechst plant.
- Q. Wes this ettitude which you described, the ettitude of the works management toward foreign workers, also applicable to prisoners. 'of war?
- A. Yos, it applied to prisoners of war to the same extent. I can saw that the works management acted in accordance with a phrase I coined—— The most honorable worker who worked for us at the Hoechst plant was the prisoner of war. He had the misfortune to have been captured at the battle front. But that was something which we must never let him feel. We always endeavored to treat prisoners of war as we wanted to be treated ourselves; as we wanted our fathers, brothers, and sons to be treated if they had the misfortune to be captured as prisoners of war.

I can cite yet another example. That took place in the fall of 1944, that is, during a time when very severe air attacks were being carried out over Frankfurt and Moochat. It was a time when the worker, when saying goodby to his wife and his children when going to work, did not know if he would again find his family alive and his house at still standing. At that time there was a psychosis of hatrod and misunderstanding toward the airmen, and that was shown whonever they had the misfortune to bail out. This was a conception which I, as an old Frussian officer, could not share.

During one of these days, during an air raid warning, a report came that an enemy flyer had beiled out with his perceinte and was likely to land near the plant. I went immediately to the Guardroom because it was an air raid warning and everyone was down in the shelter. The local head of the guards was immediately sent with my car to the wearen part of the plant, where we expected the flyer to land. I gave has the order to see to it that all employees were to stay downstairs in their shelters and that they should take care of the flyer the coment he landed. The chief of the guards called me up afterwards that the flyer had landed at the edge of the western part of the plant and that there was a great deal of unrest. I immediately ordered my car to return and I personally went there —

IR. SPRECHER: Mr. President, I would like to move that enougher question be asked so we can get back to somethin; which appears to have some relevancy. I don't know of any charge that this question of a personatist on the Hoschet plant could involve at the moment.

DR. PRIBILIA (Counsel for defendent Jeehne): Your Honor, may I make one remark in that connection? I ask you to permit the witness to tention another three sentences. He is now describing what the attitude of the works management was, and I think this incident is very significant as to the attitude of the gentlemen of the Hoschst plant.

BY DR. PRIBILIA.

Q. Witness, will you please be as brief as possible?

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THE PRES IDENT: That is of very remote importance here, but if he makes it short and you will have it ever, go shoed.

DR. ERIBILLA: Thank you, Mr. President.

inctor to come along. I sew to it that he was bendaged, and I personally telephoned a well-known officer who was stationed nearly and I hended the flyer over to him in an orderly fashion. The Party agencies bitterly criticized my attitude in this respect. The Gamleiter sharply reproached me for my action. Then I went to Jackne and I reported to him that event. He gave me both his hands and he said, "You acted quite correctly. If anything happened to you from the Party people, then we are going to protect you." And that is exactly how Mr. Lautenschlader - aved. he told me, "You will receive every assistance from us."

We three gentlemen were very happy that we at least spaced the suffering for one mother who need not werry about her son - end this mother was an American mother.

# BY DR. PRIBILIA:

Q. Mr Poehn, thank you very much for having been brief. But I must put one more question to you. I think you forgot to mention something.

Is it true that this flyer was in danger of being lynched by the crowd gathered there?

A. Yes, he was in that danger. I had to be very severa in order to get the mob back into the shelter where they belonged.

THE PRESIDENT: I think you have pursued that enough, Mr. Counsel.

- Q. Mr. Poehn, you were an Absohr representative of the plant, were you not? In that capacity did you report foreign workers to the Gastapo for penal measures?
- A. At no time did I report any foreign worker to the Gestamo for the worker to be punished. On the contrary, again and again I was ordered by the works management whenever they received knowledge of anyone having 10057

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been arrested to see to it that the plant got these people back. And I actually succeeded in that.

I may say that that was mentioned expressly in my denazification report; that was considered to be an exonerating factor.

- C. One more question, Mr. Poehn. As former Abwehr representative of the Hoochst plant, could you perhaps tell us who issued the order for the destruction of secret files?
- A. The order for the destruction of all Abwehr files was given by the military agencies. The order for the destruction of air raid files was probably given upon the instigation of the Air Force agencies. All these files were secret, and all secret files were to be destroyed.
- Q. Mr. Poehn, do you know that the works management had issued an order to destroy an files with reference to questions concerning foreign workers?
- A. Ho, I know nothing about that, and I don't believe that any such order had been issued, because the files about foreign workers are still available.
- Q. Mr. PoeMn, a last question. You gained insight into all the offices of the plant and you know exactly what went on. What was your impression about the foreign workers? Do you think that they liked to work in the plant, or would you consider them as having been slaves at the plant?
- A. The expression "slave labor" does not exply to the Hoechst plant. I should like to give one fact to you. The expansion of the fire guard and the substitution for those people who had been drafted into the Wehrmacht forced us to get voluntary people into the fire guard, and I think fifty per cent of our volunteers were Dutchmen. These Dutchmen liked it very much and they were housed in the same way as our own firemen. They had to do the same service and they received the same food. They did not only help us at the plant but whenever we had to go out to Frankfurt they went out with us. The city of Frankfurt repeatedly thanked the plant

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for our cooperation; because they managed to save valuable human lives during air raid.

I must say that I, as an Abwehr representative, often got into conflict with the air raid precautionary chief, which was also my job.

The firemen is the men who knows all the places of danger at the plant, and of course in a chemical plant there are many such points of danger. At that time I confidentially turned to Mr. Jachne and I told him about that. Mr. Jachne said, "If you, as an Abwehr representative, think that that could be done, take it under your responsibility; and then I as a Vorstand member will be responsible for your actions too." and these people never disappointed us. They got leave to their home countries up to thirty days, and it was never my impression that they ever betrayed any confidence made to them in their capacity as firemen. One of them is still with us.

They all returned from their leave and they often brought their brothers and cousins with them because they liked it so much with us.

You don't think you can designate that relationship of confidence as slave labor.

Q. Thank you very much.

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I have no further questions to the witness.

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THE PRESIDENT: Any further examination of this witness by counsel for the Defense?

BY DR. HELLUTH DIX (Counsel for the defendent Schneider)!

- Q. Mr. Foehn, you were an Abwehr representative. In this capacity, I should like to ask you how the Abwehr representatives were appointed by the ONW and how that appointment was confirmed by the Reich Security Main Office. Tell me how these regulations were made and how they were executed. Did you understand my question?
- A. Yes, I did. We become Abwehr representatives in 1935. At first, upon the orders of the Ministry of War later upon orders of the OXW. It is known that the SS, in their ambition tried to interfere with everything that was done by the Army. For a long time Admiral Canaris succeeded in opposing their interference. Then, however, he ordered that if the SS wanted Abwehr representative they should use the same ones which were available to the OXW. If they did not like to do that, they would have to state their reasons.

This view of Admiral Canaris's, I assume, indicated that he wanted to oppose the SS and any of their interferences. He retained his former absent representatives and we received a pass according to which we also were available to the SS. But essentially we remained what we were before; we remained Absent representatives of the ONV.

Q. Thenk you very much.

THE PRESIDENT: Anything further, gentlemen of the Defense?
Then the Prosecution may cross-expanse.

HAIS POEHH (Continued)

CROSS EXAMINATION

BY MR. SPRECHER:

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1. 2 miles

- Q. Just a few personal things about you, witness. What unit did you serve with in the First Forld War?
- A. During the First World War I first was an infantry officer.
  Finally I was active in the General Staff. My last office was General Staff

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Officer in the High Command of Army Group Scholz. After the collapse of the Prussian Army I resigned and I was never again active in the military service.

- Q. What was your highest rank during the First World War?
- A. Captain; but I received my majority when I resigned.
- Q. Was your salary over 20,000 marks throughout the period of the Mazi regime?
- A. The highest selery at Hoechst was 25,000 marks, but I received that selery for only a few years.
- Q. Now, I ask you if at any time during the Mazi regime it was less the 20,000.
- A. Certainly; but I can't tell you that with certainty. Let me state, however, that my activity as Abwehr representative and the head of the guards was done in addition to my other activity, without any extra remuneration in order to deal with that task free of any burden on my conscience.
  - Q. Were you an Abwehr-man before 1935 in the Hoechst plant?
  - A. Before 1935 there were no Abwehr representatives.
- Q. Now, as the Abselve representative, did you have to see that the security regulations were enforced? Is that what you said?
- A. Yes. What security regulations are you referring to? Do you mean the protection of the plant, protection against any catastrophes at the plant? Or protection against espionage and sabotage?
- Q. I refer to the handling of files and the regulations concerning secret matters in the plant: Access to secret processes, access to correspondence.
- A. Every office which dealt with any secret-material received its directives from that office from which it received its assignments.

  With respect to that material, I naturally saw to it that no secret safes were unlocked and that no important files were left around the desks. Again and again I saw to it that it was investigated in the various offices

whether any files which were supposed to be secret were left lying around. That easily happened. If that happened, those files were locked away and the next day they were again distributed, with a little reprimend to be more careful in the future.

- Q. Did you get the directives whi. were issued concerning the keeping secret of certain types of documents, or not?
- A. What do you mean by -- Oh yes, the keeping secret of secret documents was prescribed in a directive issued to all Abwehr representatives. This was issued at first by the War Ministry in 1936, and then later in an amended form in 1939. These regulations were passed on to all offices who dealt with secret matters.
- Q. Now, do you know where the so-called "Nob" -- Mobilization-folders were kept in Hoechst?
- A. They were not kept at my place, but they were kept at the office of the gentlemen who worked on these matters.
  - Q. 'What office was that and what gentlemen worked on thom?
- In my opinion the last one was Dr. Moldenke. That was in the office of the plant leader. I think it was in the Directorate

  Department or the Secretariat of the Directorate. It is possible, however, that offices which directly had to work on one particular aspect with the authorities kept their files in a so-called steel safe.
- Q. How, did you, as the Chief Abwehr man in Hoochst, see to it that the Hoechst files, which have been shown in this courtroom, physically, the Hoechst mobilization folders, were properly guarded, or didn't you?
- A. The expression "Chief Abwehr Representative" is incorrect.
  We Abwehr representatives did not have various ranks, but we all held the
  same rank. Would you please repeat the other part of your question?
- Q. Is it true then that you were just one of many Abwehr represen-
- A. I was the senior representative. At first I was alone in that capacity, and later the heads of the Personnel Department became Abwehr

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representatives. And then my deputy, who was Fire Engineer, also become an Abwehr representative in order to safeguard the security of the plant in case of fire, etc.

Q. Well, did you have suthority over the other Abwehr representatives, or did you not? Can you answer that yes, or not? You either had authority over them, or you did not.

4. I didn't have authority. Naturally we dealt with excrything in a commadely manner.

Q Who was the principal le der of the Abwehr leaders then? Tho was that? Who did they report to?

A I reported to the military Abselve office in Frankfurt to anything went wrong, but nothing went wrong.

Q Did you have any duties about reporting your Abwell activities to the plant leader?

A The Abwehr representative was subordinated to the plant manager in the same way as everybody else. In the final analysis, the plant manager was responsible. Naturally, I reported and informed the plant manager about everything.

Q All right. Now, you said that you were in charge of administration and you mention, arong other things, storage, accident prevention, and certain supply work. Did you attend any of the conferences concerning mobilization questions which involved the storage of materials?

A I never attended any conferences about mobilization questions. I'
didn't say that storage was under my car e Stora e was under the charge
of the storage department which was independent. I mrerly received
the program of the directorate meeting. I only made not of everyting
which was important for me and then saw to it that I was called in.

Q You didn't have anything to do with storage then in so far as it was affected by the mobilization plan, is that right?

A No.

C All right. That is fine. That is all. If you didn't have --

A I must make a statement. If I am a witness you must per nit me to make a statement.

Q You have answered the question.

THE PRESIDENT: Counsel, let him make the statement. If it is not appropriate, you may move to strike it out. Perl. he wants to qualify his positive answer. There may be some exception to it. Go alread and complete your answer.

THE WITNESS: I don't want to make any I mitations. I just want

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to avoid any misunderstanding. I don't want to leave out anything. I want to say that the storage of materials, as far as it had to do with protection against fire, was known to me, but the planning of storage was done by those gentlemen who were in charge.

### BY R. SPRECHER:

- Q Were you informed about the stock piling of certain materials for the event of the mobilization, or weren't you? Flease just tell me whether you were or whether you weren't.
  - A I didn't quite understand your question.
  - Q Stock piling.
  - A Stock piling of mobilization materials at the Hoechst plant? .
  - Q Stock piling in preparation --
- A I know nothing about any such stock piling of mobilization materials at the Hoechst plant.
- Q. Did you know anything about the mobilization plan in so far as it involved fuel and power at the Hoechst plant?
  - A Mothing whatsoever.
- Q Did you know anything because of your Abwehr activity or because of your administrative position about the general mobilization plans and the general compilation of figures concerning the products to be produced and to be prepared for production in Case A, in the case of mobilization?
  - A No, that Wes a matter for another office.
- Q Did you say you had something to do with transportation in the plant?
  - A No, only trucks and passenger cars.
- Q Did you have anything to do with the priorities which were to be issued on various types of material in case of mobilization? (
  - A No.
- Q Was your office in the directorate building along with Frofessor Jachne's and Dr. Lautenschlacger's?
  - A Would you repeat the question?

Q We your office in the same building with the directorate in Houchst?

A My office was in the rear and of the main administrative building in which Professor Lautenschlaeger had his office too. Director Jac had his office in the technical administrative building which was leasted on the other side of the street.

Q Did you ever see approximately 30 rolders, all of which were headed with the word "Nob"?

A No.

9 How you said there was a cortain nervousness developed in the plant before the war. When was that?

A I didn't say that a certain norvousness provailed in the plant before the fer. The plant didn't know that the ver would come court. They never thought of a wer.

Q Now who told you what kind of air raid sholter you were to wake, or did you decide what kind you were to make?

A No, the regulations came from the Reich Group Loustry. I already pointed out to you that the Reich Air linistry intervened and issued those in parphlet form.

Q Did they tell you what kind of air raid bunkers to make believe 1939, or did they not?

A defers 1939 only auxiliary shalters took built in order to protect the workers against splinters and glass.

A That is not quite an ensure to the question. I asked you as to the told you, if anybody, as to that kind of an air raid shelter you were to make?

A There was a regulation about the building of air raid salters which was issued by the Reich Group  $I_n$  dustry to all the plants of the German Reich.

Q And they told you what kind of materials or wint kind of air raid shelters to make, or did they not?

- A It said in those directives how the shalters are to be constructed; bow they are to be acquipped, etc.
- Q Thank you. That's what I wanted to know. That is anough. I just wanted to know if the regulations fold you about that.
- A Mes, the regulations provided assethy how one was to construct those times.
- 9 Mow, did you build any air raid shelters before 1935 when Germany occupied the Rhineland?
  - A 10.
- Q Did you build any before the sanctions were applied to Italy after Italy inveded Ethiopia? That was in1935 too. Did you build any before then?
- A. The first air raid shelter was constructed towards the end of the World Wer. Before that, we only had auxiliary air raid rooms.
- Q Were my mir raid protection shelters or measures taken before 1935? I am not only tacking about bunkers. Dr. Pribilla said you possibly think I am talking about bunkers under the parth.
  - A We constructed what was directed by the Roich Group Industry.
  - Q I realize that, Now then did you do that?
- A In the year 1931, air raid protectaion measures started. Would you place permit me to finish my santence?
- Q I asked you a simple -uestion, I believe. When did you first build a shelter for air raid protection?
- THE PRISIDENT: Pardon me, ir. Prosecutor. Is it your theory that the building of air raid shelters, if such were built back in 1931 or at any other time, supports a charge of waging an aggressive war or preparing for it? Is that your theory?
- Was going to do some boxing I socked my hands in tonic acid so that they'd be tough. If I as going to go into relaris country, I take anti-malaris pills. If I am engaging in agressive policies or know that aggressive policies are being engaged in, I may want to take some massures in order

to defend myself after the staded country relies to my aggression.

THE PINIDEMY: Then recording to your theory, a program of Mysical development would sustain that charge?

TR. SPERCHER: It wouldn't sustain the charge, but if it was taken with a great amount of scientific application and in commerce. Ith a great amount of bombest and a great amount of proparedness for a ression, I would think that they had a very direct relation.

THE PRESIDENT: Well, we will permit you to argue that. I just suggest that you are taking more time, it occurs to me, than this item is worth. I am not saying that it might not be technically competent. But, after all, there is a place for some sound discretion as to about how far we so on it.

IR. SPHROHER: Yos, Mr. Prosident. I am having a little difficulty with the witness. Mf I could got a responsive answer when I ask for time instead of semething that talks about something other than the e. I'd appreciate it.

#### BY IR. SPYICHER:

Q I asked you if before 1935 you built-any type of air and protection by way of a burker or by way of a shelter or by way of reinforcing walls?

A Before 1939 we built such shelters. A program was prescribed for us from your to year which had to be fulfilled. : am not avading your questions.

Q When did you first make such a building installation -- retually install some physical property in order to comply with air raid protection?

A In 1931, as I already said, we received the order. The chairman of the TEMO meeting said at the time, "Whatever is necessary for the prevention of accidents for our workers is necessary, and we give the money for that."

Q Hay I ask the chair to give me a little assistance but that a stion so that I get a responsive answer?

THE P.C.SIDENT: I think that is an answer. He said they started in

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1931. They got the orders as to what they were going to do. You're arguing with him because he says it was partly for protection against socidents in the plant, and you are evidently trying to get him to say it was just for some other purpose. Maybe he doesn't want to say that.

MR. SPECKER: I will continue with some quistions to clarify what my purpose really is.

THE PRESERVET: Now, Mr. "itmass, wait for the ausstion. We are sing to get over this pretty quickly here, and the Tribunal has to help to direct this examination here. Now he will ask you a question and, Mr. Witness, answer it as directly and briefly as possible. We are spending too much time on a very small matter here. Go ahead and ask your question.

. At ICHER: I pursonally think this bears-

THE FP SIDENT. You will have an opportunity to argue this later on.
Ask the question please.

IR. SPECHER: I am not talking relevancy now. It bears a great deal on what the witness says about other tains.

THE PRESIDENT: Ask the question, please.

# BY MR. SPRECHER:

Q Do you know of any instance before the year 1935 when funds were appropriated to build any type of structure or to reinforce any type of structure in the Hoochst plant for the purpose of air raid protection?

Do you or don't you know?

THE PRESIDENT: Now you may answer and make it direct and simple.

THE TIMESS: Yes, I know that; for instance, the supporting of cellars with additional wall supports.

# BY MR. SPRECHER:

- Q When was that first done? Do you remomber or don't you?
- A I really cannot give you the date. This is 17 years ago and I really can't tell you what happened every year. We had a program which was prescribed to us and which we fulfilled.

Q Do you remember any physical installation before the year 193??
That is the year Hitler came to power.

A I don't think that any new construction took place in 1933. Already existing rooms were equipped by us in such a way so as to be utilized. I have already said that we were not ready for war at the outbroak of the war.

Q Did Director Jachne take you into his confidence in anyway to tell you about the various engineering projects which I.G. was doing in connection with orders from the Wehrmacht or in connection with contracts made with the Wehrmacht, or did he not?

A No, such questions were never discussed with me by Nr. Jachne.
He had his other associates for that.

Q After the occupation of Austria by German troops, did the defendant Jachne ever tell you that he deplored the use of force by the German Reich?

THE PRISIDENT: I don't think this is cross examination.

IR. SPRECHER: Hr. President, the witness testified that the directorate of Hocchst, and particularly the two defendants, Lautenschlaeger and
Jachne, had always expressed a great feeling that there was no chance of
war and many things like that. This is a preliminary question to a very
important point.

THE PRESIDENT: That is all right, but you are going into the Austrian phase of this thing. Then you can take it up country by country and you can consume a whole lot of time. Can't you summarize it pretty well and save some time here, place? You have only five minutes left.

MR. SPPECHER: Well, Mr. - President, am I to understand that I am being forced to abide by a completely mechanical rule with respect to each witness? We had understood —

THE FRESIDENT: No, but it would have to appeal to the Tribunal from a standpoint of discretion that the cross examination was within reasonable bounds, and we are taking a good deal of time on small things. Go ahead and ask your question. I don't want to consume your five minutes discussing it with you. If you get to something that appears to be important, we might extend it a minute or so.

BY MR. SPRECHER: -

Q Did the defendants Jachne or Lautenschlaeger at any timo describe
to you any movement of troops by Germany into either Austria or Czechslovakia
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and discuss that matter with you, or did they not?

A I have said very clearly that in 1939, I'r. Jachne said that only a fool would think of a war. Naturally, he wouldn't have discussed anything like that with me in 1938,

Q Mr. Prosident, I do have considerable difficulty. I am gold to ask to be allowed to rope that question as long as necessary to get the point across to the witness. I asked you if either of those defendants talked to you at any time about the occupation of either Austria or Czech-slovakia by German troops? If they didn't ---

A No.

Q They didn't? Thank you very much. Now you said that Jachno said
he would protect you against the Party at one time. Did he tell you how
he would do that?

A Ir. Jackne is a personality and he would have protected me.

Q Just a second. I asked you if he told you how he would do it.

A He told me that, "If you have any difficulties with the Farty, we are going to protect you." What method he would have used, we could have waited to see for ourselves, but he didn't mention that.

Q Thank you. Now did you have certain Vortrauensmenner — confidential men — among the foreigners who reported to you on the morale of the workers and how things were getting along with the foreign workers?

A The foreign workers were not subordinated to me at all. They were subordinated to the camp which was represented by Dr. Hirschel. I had no confidential men among them at all. I had my own confidential men which I had known for decades.

Q Thank you. Now, how many plant policemen did you have at Hosehet in 1943 or 1944?

A We didn't have a plant police. We had the 1 nt guards, who were about 85 to 95 men; it varied.

Q Who paid for this works guard of 85 or 90 men?

A Who paid?

Q Who paid their salarius?

A They were employees of the plant over since 1920. They were paid by the plant. We didn't have any workers in our plant who were paid by any other office.

O Did you get any information from the SD or the Gestapo concur.ing the handling of the Werkschitz?

A Yes, during the Abwehr conferences, people often appeared and issued directives, but whether or not one adhered to these directives was a matter for one's own discretion.

Q And you never got cirticized, did you, for not adhering to those directives?

A They didn't even notice that. All my life'I only executed orders of the norality and justification of Which I was deeply convinced.

Q In your own experience, did you find that the SD was rather inefficient in finding out -- the SD and the Gestapo -- in finding out what
was going on in your plant?

A The SD and the Cestape shied may from the Heechst plant and they feared it to that extent, because everythin in our plant was in perfect order. The head of the Gestape office of Heechst often said that the biggest plant in his district had no files in his office whatsoever.

Q I have no further questions.

THE PIESIDENT: Anything further with this witness?

DR. FAIBILLA: No further questions.

THE PPFBIDENT: Then you are oxcused.

(The witness is excused)

DR. FRIBILLA: Your Honor, this brings me to the end of the case on behalf of the defendant Jachne.

THE PRESIDENT: Very well. Dr. Lumert, are y andy to proceed?

DR. LUMERT (Counsel for the defendant Kuchne): h, is placed the Tribunal, of the beginning of my submission of evidence on behalf of the defendant Kuchne; I should like to make a few brief introductory recerbs.

Lest December, I did not make an opening statement on behalf of the defendant Kuchne because at the time, in my motion of the 11 of December 1917, I requested that the evidence of the prosecution concerning the defendant Kuchne be declared insufficient and that the Tribuml may order his immediate release. Up to this point, my motion has not been approved. Today, it is still my opinion that the presentation of evidence by the prosecution concerning the defendant Kuchne is not legally relevant for a number of legal reasons. In any case, however, and at least as a measure of procession, it is now my dity to submit evidence on behalf of the defendant Kuchne. In order to fideilitate the task, I have permitted myself to submit to the Tribumal a little survey of the evidence. It is that your Honors places briefly look at this survey.

I have three document books which have been handed to the Tribunal and to the prosecution in time. Subsequently, I have received two more documents which in the meantime have been translated. I should like to submit these two documents to the Tribunal. These are documents Kuchnell and 118.

THE PRESIDENT: Do you have any preference as to which book they are to be added to?

DR. LUMBERT: Yes, Your Honor, these two documents will be the first two documents books in Book IV. Document Book IV will later be submitted as a supplementary document book.

THE PRESIDENT: Very well.

DR. LUISERT: Before calling the defendant Kuehne to the witness stand, I should like to offer Kuehne Documents 1 to 5. Document 1 is already in evidence on the occasion of the cross-examination of the witness Dwordczek. It was submitted as Exhibit 1 for identification. The document contains two affidavits of the witness Mayor. I now for this document in evidence. In order to explain the first four documents, may I point out that these are affidavits or letters from three American friends and one English friend of the defendant Kuehne. The contents of document 1 have been described at relatively great length in the index. It is hardly necessary

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for me to read these sentences into the record. I do ask the Tribunal, however, to read these very few lines.

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At the memoral I am only interested in the testimenial of the defendant's character, which is excellent and which is contained in those two affidavits of the ditness Mayor.

I shall present at a later date evidence concerning further statements of the Sitness Mayer. That will be in connection with Count II of the indictment when I shall deal with the Frager Versin.

I shall now turn to the next document. Exhibit 2. These are two letters by "alter J. Lee. He is the Head Engineer of the Goodyear Tire and Rubber Company, Inc. These letters were addressed to General Telford Taylor and Mr. Sprecher had the kindness to place these letters at my disposal.

Interesting in those letters is the statement made by the witness that Dr. Kuchno had transmitted very valuable information concerning the Buna-S, which the United States could put to valuable use during the last war.

The second letter is very relevant and you will find it on page 10 of the document book. would the Tribunal be good enough to take notice of that page of the book.

The next document, Exhibit 3, is a letter by the "itness Halo addressed to ma. Hale is a co-partner of the firm, Dow Chemical Company, Midland, Michigan. This letter, too, contains an excellent testimental of Dr. Kuchhe's character. I should like to quote the following sentence into the record: "I never found any higher type of business men -- honest as the day is long."

IR. SPRECHER: Mr. Fresident, Dr. Lummert and I had talked this matter over briefly, but apparently there is a slight amount of misunderstanding. I understood that he would offer these letters merely to show that testimonials solicited and not for their content. Now, on that basis, it seemed to me that we could waive any objection to them as not being under eath. As a matter of fact, I myself wrote to walter J. Lee, after we had received this letter from him and told him some materials

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that we thought might be relevant, if he was in a position to give information concerning them, which would be interesting to both the defense and perhaps to us and I heard nothing further from him, and, therefore, I am afraid I am in a position where, if these metters in to centent, I we to make an objection. If they worsly run to the point, I don't have to make an objection.

DR. LURIEFT: May I raply briefly? I think there is no real difference of opinion between Mr. Spracher and myself. The documents 2 to 4 are not affidavits. They are morely letters which were written during the trial. I ask the Tribunal to attach such value to these documents as appears proper to them. I think it is significant in itself that those letters were written. The sense of those documents 2 to 4 is, if I may put it that way: Let the Voice of merica be heard at the beginning of my summetion. Each of the afficients 1 to 3 are American citizens, and the witness Mayor, Document 1, was formerly a Czech and is of Jewish faith. The Witness Butherford, Document 4, which I am about to submit is not a genuine american, but at any rate, he is an Englishmen.

THE FRESIDENT: Well, Dr. Lummert, perhaps you pay a little too high compliment to the Voice of "merica. We semetimes find it very confusing.

verified under each we cannot depart from that rule. The best we can do for you now, unless the prosecution wishes to waive it without a precedent, and if they care to, they are under no obligation to do it and Mr. Sprecher has expressed his views very clearly, all we can do for you is to ark these first four documents for identification for the time being. I don't want to try to tell you how you sto are understood these letters to the authors and ask them to go before a notary public and acknowledge their signatures and get them back before the end of the trial, then we

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will parmit you to renew your offer and introduce them in evidence, subject to whatever objections counsel then wishes to make.

DR. L.HERT: Thank you vary much, Your Honor, I shall now submit Documents 2 and 4 for identification only.

THE FRESIDENT: Do you wish to say something?

MR. SPRECIER: "s to ghe general testimental letters, we don't care whether they are in affidavit form or not, but in so far as the contents go to any of the specific issue, apart from a general testimental, we do think that we ought to have the assurance of an oath. That is the only point I manted to make.

THE FRESIDENT: The Tritunal cannot admit an incompositent document for one purpose and excuse it for another. All we can do about it is mark them for identification, and you have our suggestion as to how you can remedy the situation, if you see fit.

DR. LUMSERF: I shall now turn to Document V. This is an affidavit by Frau Dr. Kroon. This affidavit has a purely formal character.

I have taken particular care with the compilation of the index of Kuchne's
document book. In the index the personal data of a number of affiants
are stated more specifically than in the affidavits themselves. This
afficient morely certifies that the personal data of the affiants in the
index of Kuchne's document books are correct, and now, Your Honors, I
would like to have the Defendant Kuchne take the witness stand, if you
consider this to be a suitable time.

THE FRESIDENT: The Defendent Kuchno may take the witness stand and we can at least qualify him as a witness before the recess.

HANS KUEHNE, a witness, took the witness stand and testified as follows:

THE PRESIDENT: Dr. Kuchne, will you remein stending, raise your right hand, say, "I", and state your name for the record.

THE WITNESS: I, Hons Kuchno.

THE PRESIDENT: Now repeat the oath:

--swear by God the Almighty and Omniscient that I shall speak the pure truth and will withhold and add nothing.

(The witness repeated the onth.)

THE PRESIDENT: You may be seated.

Do you mine, Dr. Lummert, using the next five minutes. It will just be five minutes saved. Otherwise it will be wested. I think we should go along for five minutes.

DR. LULFERT: As Your Honors wish.

THE FRESIDENT: I think we had better go along. We might need five minutes very badly some time.

# DIFECT EXAMINATION

BY DR. LUMELERT (LITTOFNEY FOR THE DEPEND HT KUEHEE):

- Q. Witness, would you please give the Tribunal your most important personal date?
- I. I was born on the 3d of July, 1880, in Hegdeburg, that is,

  I am almost 68 years old. I have been married since 1907 and I have four

  children who are from 30 to 40 years of ago. I have lived, since the

  middle of 1943, up to the time of my errest on the 29th of -pril, 1947.

  on Lake Constance.
  - Q. May I ask you where your children are residing at present?
- A. Two of my children, since before the war, have lived abroad.

  My daughter has resided in Italy since 1933 and has become an Italian citizen by marriage. My Italian sen-in-law was in Germany as a prisoner-of-war, because his division feined the resistance movement in Spagate.

  At first he had been sentenced to death and in the fall of 1943, he was sent to Germany as a prisoner of war.
  - Q. Would you ploase tell the Tribunal briefly about your corpor?
- A. Ifter the conclusion of my studies, I gred into my first position in the chemical industry. That was on the 1st of January, 1906. I worked in a little chemical fectory in central Germany as plant assistant. The plant had 130 workers and mainly produced a thite mineral

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dye stuff. "s the consequence of a number of inventions and improvements" in the plant I was promoted after two years, on the 1st of January, 1908, to be manager of the plant. Alfordy at that time I was specifically interested in labor questions. I always intervened on behalf of the workers' rights against their employers. For instance, I intervened on behalf of a Social Democratic worker of the plant and I myself attended a Social Democratic meeting in order to acquaint myself with the sime of that Party. At that time that was considered as a mistake on the part of an educated mine. Actually I had differences with the proprietor of the firm as a result of that so that I gave up my position. Subsequently I hald two other positions in sest German chamical factories.

On the 1st of June, 1911, I become the plant manager of a large plant having about 450 workers and on the 1st of February, 1913, I become the plant director of a rather important plant, of the inorganic industry, numbering 1,200 workers. In 1915, I was temperarily drafted into the army and for four months stayed in the tranches along the French battle front where I served as an ordinary private.

THE PRESIDENT: Dr. Kuchno, if you will note the point which you have reached, we will recess now until 1:30.

(4 recess was taken until 1330 hours.)

AFTERNOON SESSION (The hearing reconvened at 1330 hours, 25 March 1948,)

THE MARSHAL: The Tribunal is again in session.

THE FRESIDENT: You may continue, Doctor.

DR. LUMMERT (Attorney for the Defendant Kuehne): Very well, Mr. President.

DR. HANS KUEHNE - Resumed

DIRECT EXAMINATION (Continued)

#### BY DR. LUNGERT:

- Q. Dr. Kushne, you had been describing your career and you had reached your military service in 1915. Please continue your description there.
- A. For the fulfillment of a certain task, I entered the service of a dye stuffs factory of the Friedrich Bayer & Company of Leverkusen, in February 1916, as Chief of an Experimental Department. My task was to solve the problem of producing sulphuric acid from gypsum. Up to that time sulphuric acid could be produced only from sulphur or sulphuric metals, for instance, copper pyrites or zinc blend metal. Natural sulphur does not occur in Germany at all. The sulphuric metals are available only in a limited amount, so that Germany depends on imports. During the mar from 1914 to 1918, we experienced a serious scarcity in sulphuric acid. In Germany and in other countries there were whole mountmin ranges of gypsum, that is, calcium sulphate. It was my task to liberate sulphuric acid from gypsum. During work that lasted two years, I solved this problem. The process today is internationally known under the name, Mueller-Kuehne Gypsum Sulphuring acid from

Basidas in Germany, licenses, or senated by Farban and on this basis plants in France and England wars constructed in order to utilize this process.

On the 1st of January , 1921, I (respecting the Director of the Inorganic Department of the Leverkusen Plant. On 1 January 1923, I became

the Deputy Vorstand Member and on the 1st of January, 1926, I was appointed regular Vorstand member, when Farben was marged. On the 1st of January 1933, I became the Director of the Leverkusen Plant and Chief of the Plant Combin., Lower Rhine, when my senior colleague, who had been the director up to that time, retired, because of old age.

I maintained my position as plant leader of Leverkusen until the 31st of July 1943. On that day I resigned from my position. If the war had not broken out in 1939, I would have retired already in 1940, because I always had the intention of drawing my pension when I became 60 years old. The war delayed my intention. In 1943, however, my psychological opposition against the planned aconomy that was forced upon Farben and upon all of industry and against the despotism of the regime in Germany at the time became so strong, that I retired. I had a notice put up in the plant Leverkusen to the effect that from the 1st of august 1943, on, Dr. Haberland would be my successor and would be in charge of the plant.

I would very much have liked to retire completely, but Mr. Schmitz, with whom I discussed this affair, advised me that I should only take a leave of absence temporarily and that I should now and again participate in some Farben meetings. He said, "If you don't do that, you might be drafted for service in some other place and you might be assigned by the Labor Office to become the chemist in some munitions plant." Such cases actually had occurred in various instances of some people who had been retired from Farben when they were 60 years old. One was subject to the Law of compulsory service in Germany until one had reached the age of 65. Even mambers of the Vorstand were subject to that law and I was only 63 years old at that time. After the 1st of August, 1943, I came only occasionally to Laverkusan for several days and the last time was in October 1944. The plant itself I entered I believe, only one more time during my last visit of 27 October 1944, when a serious air raid occurred on that day and when a number of large fires broke out. At that time I inspected the damaged places. The management of the Leverkusen

Plant had reported to the person of my successor, Haberland, from the 1st of August, 1943, on. My official retirement had in 1940 already been fixed on the 30th of June, 1945, because that was the time when I would have reached my sixth-fifth year. On the 29th of April, 1947, I was arrested in Lindau and brought to Nurnberg.

Q. May I ask you briefly, were you interrogated before the beginning of this trial?

A. No, I was never interrogated.

BY DR. LUMMERT: In supplementing the curriculum vitae which the witness Kuehne has just now related to us, I present my document 6, which will become Exhibit 6. This is a documentation of his career in more detail. I don't have to quote from it for the record. The Tribunal will see in this curriculum vitae that the defendant Dr. Kuehne is a typical self-made man and that he had a very difficult time during his youth.

The Witness Kuehne mentioned that on the 31st of July 1943, he resigned from his position as plant leader of the Farben plant at Lever-kusan. To supplement this statement, I submit firstly Document 7, which will become Exhibit 7. In this instance, I refer only to paragraph 2 of this document. This is a record of the Works Manager's Conference of the 3d of August, 1943. Dr. Heberland, Dr. Kuehne's successor, announced in this meeting that he was nowessuming the management of the Leverkusen Plant and that he thus also had the position and responsibility of Plant Manager as of the 1st of August, 1943.

Unfortunately Dr. Kuchne could not introduce his successor personally, since he had to leave because of his illness. This is the arthritis deformant from which the defendant Kuchne suffers greatly today.

The next document will be Kuchne Document 8 which will become Exhibit 9. This is a circular letter.

THE PRESIDENT: Dr. Lummert, parmit me to say to you that the Tribunal is cognizant of the physical difficulties that Dr. Muchae suffers. If it becomes burdensome for him to sit too long in the witness box here, perhaps you could offer decuments and give him a little relief if necessary. I just want you to know that that will be satisfactory to the Tribunal. In the mountime you can offer documents, and then he can come back to the stand. Just indicate, Doctor, if you get too uncomfortable.

THE .ITNESS: Your Honors, I buliave that I can get along with a few tablets that I have in my pocket.

THE FRESIDEMT: Vory woll.

DR. LUMIERT: Document No. 8 is the circular letter which the deputy plant in magor of the Loverkusen plant, the member of the Verstand, br. Brueggemann, sent on the 4th of August 1943 to all other Farben plants. This also refers to the change in the management of the plant.

In supplementation finally I offer document and Exhibit No. 9.

This is a photostatic copy from the Farben plant magazine, "From Plant to Flant', "Von Work zu Work", edition Loverkusen. The document has the same contents in the final analysis and the photostat also contains a picture of Dr. Kuchne's successor. I now want to give a survey to the Tribunal about Dr. Kuchne's activity in Loverkusen and the Farben on the whole.

- Q. (By Dr. Lummort) I want to ask first, Mr. "itness, please describe your task and activity as plant manager at Leverkusen.
- Luvorkuson plant, my defense counsel has introduced as Exhibit No. 10,

which is Document No. 10, a plan of the Leverkusen plant. I ask that you have the kindness to turn to this plan. It is on Page 27-A of Decument Book I. May I explain this plan very briefly? One notices on this plan how uniformly the Leverkusen plant has been divided off and constructed. I want to explain to you that the projecting of this plant was undertaken by Dr. Duisborg in 1993. This was done on such a liberal scale and was done so excellently that it still is in force today. The fact always caused the astonishment of the visitors, that on both sides of this large street in the plant there were parks and rows of trees and oven bods of flowers. They layman imagines a chemical factory to be a place where it stinks and where it smokes, there is a lot of noise, and where it is very unhealthy to work. Leverkusen shows, just as other Ferben plants, on the outside already by its many green grassy areas, that one can operate a chemical plant without endangering the health of the workers. The plant covers an area of approximately 1.6 by 1 kilometer, or one mile by two-thirds of a mile in English measures. The plant consists of approximately two hundred single factories. The main groups into which these fectories can be classified are colored in various shades on the map.

The most important of these main groups are: first the inorganic department. This is situated on the bank of the Rhins and is sketched in yellow. This inorganic department was my proper field, because I was particularly specializing in inorganic acid, hydrochloric acid, chlorine, sodium hydrocxide, etc. Secondly, the intermediate products department, which is designated "M.N.O.P.Q." the second row from the bottom. Here the products of the anoiganic department are combined with the tar distillation products in order to form the so-called intermediate products. This department is sketched in brown. Products of the ter distillation processes are, for instance, benzol, toluene, naphthalene, etc. The intermediate products are called "intermediate" because, for the most part, they are again worked on within the plant. From the

intermediate products, the final products are made which are dyestuffs, pharmaceuticals, synthetic products, tanning agents, etc.

Thirdly, the various dyestuffs department, in the third row from the bottom behind the intermediate products department. I may refer you to the legend on the map in order to explain the various colors.

Fourthly, the shipping and packing rooms for dyestuffs, and pharmaceuticals. In that block there was also the large photo paper factory which produced the photographic paper which was universally known under the name of Agfa. This is in Block approximately in the middle of the map and is the plant that is shaded red. In Leverkusen there was also the large central laboratory for rubber and one small Buna plant. These are the red areas within the Blocks K. Q and M.

Fifthly, the engineering departments which are drawn in light blue color and wich are mainly centered in the block K. On the whole, during my time, more than 2,500 various products were produced in Leverkusen.

- Q. Dr. Kushns, may I ask you to supplement your explanation of the chart by a description about the various competencies which existed in Leverkusen?
- A. There were four members of the Vorstand of Farben competent in Leverkusen, everyone for his own particular field. My colleague, Frofessor Hoerlein, has already made statements in part about this subject. He mentioned that he was in charge of the laboratory for insecticides and that the tablet and phial plant were under his technical and scientific direction. Furthermore there was the sales department for all pharmaceutical products of Ferben in Leverkusen which was called Fharma-Bayer. This sales department was under the direction of the Vorstands member, Mr. Mann, and was situated in a large modern administrative building that was build for this very purpose. This building is a little below center on the right of the map and has the number 30. It is above the camp for German girls on the map. Furthermore, the Vorstand member,

Er. Brueggemann, has his office in Leverkusen. He was the legal advisor of the entire plant combine Lower Rhine, that is the plants. Leverkusen, Uerdinger, Elberfeld, Dormagen, and also of the sales combine, Fharma-Bayer. Besides that Mr. Brueggemean worked on various affairs for the entire Farben concern.

Under my charge were the scientific and technical direction of most of the plants, all those plants for which the other gentlemen mentioned were not competent. Under the law for the regulation of national labor I was the plant leader for the entire Leverkusen plant.

Therefore, I was responsible for the workers, the care for the workers, and the employment of laborers in Leverkusen. My deputy in this position as plant leader was Mr. Brueggeman.

In explanation to the chart, I want to mention, so that we don't have to turn back to it once more, that there are also drawn in on this map two camps which will be mentioned later in connection with the foreign workers. This is the camp on the right-hand side of the map which is called Camp Buschweg, and another camp, "Eigenheim", of which it is only stated that it is at a distance of 1.3 kilometers. We considered it important at the time to have the camps for the workers as far away from the plant as possible so that they were not exposed to danger when air raids occurred on the plant. Cur own living houses and also my residence were situated close by the plant. They are represented as settlement of the leading employees on the upper part of the camp, "colony of managing employees."

- Q. Dr. Kuehne, do you want to mention the camp Z-Block, which was also the camp for foreign workers directly near the plant?
- A. Yes, that was the first camp we built. It was built there at the time because we didn't expect any air raids. Quite nearby we eracted the camp for German girls. When, in the following years, the air raids became more dangerous, when we noticed that, then we built the next camps a larger distance away from the plant.
- Q. May I now ask you to give the Tribunal a short survey about the technical installations in the plant that were under your direction in Leverkusen, and also a short description about the management of these installations?
- As My task asplant leader of Leverkusen was very difficult. I had grown up as an inorganic chemist, and in 1935 I took over the charge of one of the most versatile chemical plants in the world. Under my charge next to the inorganic departments, were the many-sided intermediate products plants, the dyestuffs plants, the photographic department, the Buna Plant, and the various synthetic plants, the various scientific laboratories, the large engineering departments, individual pharmaceutical production plants, and finally one rayon plant.

The general public knows little about the fact that in chemistry one must specialize down to the smallest detail. There are by far more chemical specialists than, for instance, there are specialists among the doctors. My position in Leverkusen could be compared approximately with that of the chief physician of a gigantic hospital. It is quite clear that the supreme chief of such a large enterprise cannot be an expert in all detailed subjects nor that he can actually have the opportunity to personally care for all the little details, but for every particular department and for every individual factory in this plant, the various specialists are available and they are responsible for the details. Thus I too, had to confine myself in my position and rely on the specialists under my charge, for instance, the intermediate products people, the

I could only check on their activities only superficially from my general knowledge, but not in detail. I had to rely absolutely on their reports from their particular field of work. Also on account of the size of the plant organizationally I had a number of excellent chemists under my charge.

DR. LUMMERT: Excuse me, the translation was inaccurate. A directorate is not a number.

THE WITNESS: I repeat. Organizationally I had under my charge a directorate of excellent chemists. The members of this directorate had the title "Director". Under their charge were the individual department presidents, and under their charge the chiefs of the 200 individual factories, and again subordinate to them there were chemists and other experts. Finally there were the large numbers of other employees and workers.

- Q. (By Dr. Lummert) Dr. Kuehne, how many workers, employees and chamists were active in Leverkusen?
- A. When in 1933 I took over the plant, because of the economic depression at the time, only somewhat more than 7,000 workers were present and a little more than 3,000 employees were working there. From the latter about 500 were academically trained chemists and engineers. The numbers increased in the following years again. During the war there was a further increase because for every two German workers that were drafted to the Wehrmacht and other agencies, three foreign workers had to be employed. The foreign workers, for the most part, had not been trained, and their efficiency for the chemical profession, at any rate, amounted on the average to only about two-thirds of the efficiency of the German workers.

The make the explanation more simple, my defense counsel has submitted Document II, Exhibit II, where he has some statistics about the
labor and employee strengths of the plant Leverkusen. I ask you to look
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at these figures briefly. They are on Page 26 of Document Book I.

DR. LUMMERT: Page 26.

A. (Continuing) I want to explain one point, the relation that will probably also be noticed by Your Honors, that exists between the number of workers and the number of employees. In the chemical industry the worker is the executor and the observer of chemical processes in certain machines. Therefore, the work is comparatively easy physically. It makes certain requirements of the intelligence of the worker, however. Since the chemical processes very frequently are not simple, a large number of supervising employees is necessary who are specially trained. For that reason for most plants of Farban and also in Leverkusen, for every three workers there is approximately one employee. However, in heavy industry the corresponding ratio is approximately 1 to 15 (1 supervisor to 15 workers.) There is also the difference, that in heavy industry the workers only do physical work. Leverkusen could be compared in its significance to a steel plant with approximately 70 to 80,000 workers. In its turn-over it was probably even more significant.

THE PRESIDENT: Pardon me, Dr. Lummert, I do not believe that you have your Exhibit 10 in evidence on the record. It escaped me if you made the offer. That is the map.

DR. LUMMERT: Mr. President, I offer herewith Exhibit and document 10, and in the same manner I offer these statistics in Document 11 as Exhibit 11.

- Q. (By Dr. Lummert) Dr. Kushne, in what manner did you assume the care over the staff of workers and employees in the plant?
- A. The care for the staff was a field in which I considered myself an expert, and to which I devoted my time very gladly. In the small factories, before I came to Leverkusen, I had gained many experiences in this field. I always maintained an excellent relationship with my workers. During all of my life, I was of the opinion that I had been naturally endowed with a gift for chemistry and that through industry

and perhaps a little luck I had achieved a position. In that position I bore a certain responsibility, and therefore I had to give certain orders. By reason of my position, however, I had not become a better human being and never felt that I had become such. I always respected the knowled and other persons, regardless of the position they held and the work they were doing.

A. (Continued) I think that my workers recognized that always and that is why there was always such an excellent relationship. In Leverkusen in 1916 I already found a model social welfare system. The founder of the Leverkusen plant, Geheimrat Duisberg, had created this system already during the foundation of the plant. He, himself, was very socially inclined. During the later years these installations were perfected and supplemented and expanded just as they were in other Farben Plants. The social welfare institutions of Farben are famous all over the world and were discussed in many foreign newspapers and periodicals.

In Leverkusen we had more than four thousand (4,000) residences that were built by the plant. They are model residences with modern equipment. We had diming rooms, day rooms, reading rooms, libraries, parks, swimming pools, concert halls - the best concert hall in the entire Thine area and a whole system for cultural care. There was a large medical department which took care of the hydiene and treatment of the sick. Part of this medical department was our own polyclinic with the most modern equipment.

All of these institutions were consolidated in the so-called Social Department. By the way, we also had many other social welfare institutions of the Farben Plant in Leverkusen, for instance, there were recreational homes, sanitoriums for workers and employees — I believe, however, that in the interest of time I do not have to list all the further details.

Only one more remark I want to permit myself here. The large capitalists are often attacked by certain people with the contention that they exploited the workers and they didn't do anything for them, but the very op osite is true according to my ten years of experiences in three analler plants and on the basis of my thirty years of experience in Farbon and also according to many other observations that I made.

The smaller plants could not and usually cannot afford to do so much for their employees and workers as heavy industry and particularly

Farbon was able to do, which took care of their staff in a more than ample way. I mention this because, unfortunately, the Prosecution, too, in this trial, raised the charge that Farben only thought of power and making money and that their directors only wanted to enrich themselves and that they didn't have any heart for their employees.

During my entire activity in Leverkusen because of my attitude and my background, I particularly interested myself in the conditions of work of the workers in the plant and outside the plant and, as far as my time permitted me, I made inspections and had conversations with the workers and convinced myself of their position and their feelings. The same was done in the other plants.

After 1933, when the HSDAP issued many new social welfare regulations. Farbon didn't have to make any new institutions. It had already all those things that particularly the labor front desired for improving the conditions of the workers.

When in 1933 the law for the regulation of national labor was issued and this law prescribed that every firm had to have a plant leader who was responsible for the assignment of the employees and workers and when I, myself, was officially appointed as plant leader for Leverhusen, nothing was changed personally in my position, for, already before that time, I had devoted myself to the social welfare of the employees and workers with much love. Of course, I couldn't worry about all the little details in that field either. Thus, during the war, director Dr. Wenk, my subordinate was in charge of the employment and care of the workers.

- Q. Dr. Kuchne, you have given the Tribunal a survey about your activity in the Farben plant Leverkusen. Nay I now ask you what was your activity as chief of the plant Combine Lower Rhine?
- A. The Plant Combine Lower Rhine consisted of the old original plant Elberfeld of the Bayor Firm, the Leverkusen plant, the Dormagen plant and the Werdingen Plant. The latter had been founded by the father of my co-defendant, Ter Heer and until the merger of Farben, it was known

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under the firm name of Weiler-ter Meer. These plants, already by reason of their historical past, had a large feeling of independence and they had a right to a far reaching independence and they actually applied this independence to practice.

Elberfeld was the original plant from which Leverkusen emanated and Verdingen was quite independent of Leverkusen until the merger. Wordingen was the only plant of Farben which, besides their own administrativo machinery and social welfare department, had a number of other independent departments, the personnel, the patent, the calculations and one sales department. The witness, Struss, in his affidavit NI 9487, exhibit 391 in book 15 on pages 85 to 89 in the Anglish and pages 94 to 97 of the German, described the conditions in the plant Combine Lower Thine correctly. He emphasized the large independence of the plants particularly. My task as Chief of the Plant Combine was, therefore, relatively limited. Approximately every four weeks and later, during the war, every six or eight weeks I colled together the Chiefs of the four plants to participate in a so-called directorate necting. At this occasion a certain co-relation of the local productions were discussed and general questions of wage policy and the payment of employees were discussed. These directorate meetings were essentially only a source of information for the Chiefs of the individual plants.

In these meetings, I also reported about interesting events from
the Vorstand meetings. Besides the Chiefs of the four plants, senerally,
department directors of Leverkusen Plant participated also and as guests
further the Vorstand member Mr. Mann who was in charge of the Independent
Sales Combine Pharma-Bayer Loverkusen and a few of his staff. Besides
that, finally, the Chiefs of the Duisburg copper nine and the factory
for nitrogen fertilizer in Knapsack. Although these were two individual
independent plants near Leverkusen, they participated nevertheless, because
they belonged essentially to Farben and they asked me for permission to
Participate in the directorate meetings for information purposes.

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Apart from my own reports, the people from the other plants reported during these meetings about anything that they considered important enough and about anything that might be of interest for the other plants. However, about particular questions of the individual plants we did not speak and the particular questions of the sales of the Bayer firm were not of any interest during these directorate meetings of the Flant Combine.

These particular individual questions were discussed in the directorate meetings of the individual factories or of the Pharma-Bayer. I, myself, for these purposes of particular detailed information of the Farben Plant Leverkusen called the so-called technical directorate conferences every month or every two nonths which were called TDZ in abbreviated form.

Every three months I held the so-called plant leaders conferences in which the Chiefs of all, approximately 200, individual factories of the Farben Plant in Leverkusen participated. In a similar manner the gentlemen Professor Hoerlein, Dr. Haberland and others directed the other plants of the Plant Combine.

- Q. Dr. Kuehne, in the Plant Combine Lower Rhine was there also the principle in force of de-centralized centralization which has been mentioned repeatedly in this trial?
- A. Yos. It cannot be said often enough that this principle applied everywhere in Farben. The great successes of Farben in all fields can be explained only because of this system of de-centralization, in which anybody who had a large responsibility, was also given much independence. Any other form of management would have been impossible in view of the number and size of the products and because of the geographical extension of Farben. Only because of this manner of business management and plant management we had safe marded the necessary willingness to work, for hobody who has to bear responsibilities and isn't given the necessary independence for this purpose, can have the necessary willingness to work.
- Q. Did the individual plants and sales combine remain in close contact amongst each other?
- Geheinrat Duisberg had desired that the Plant Combines and the sales combines as well, should inform each other by sending each other the records of their directorate meetings. However, this was not done in practice very much. I, for instance, sent the transcript of the directorate meetings to Mr. von Schnitzler, amongst others, and he in turn was to sent me records, but as far as I remember, I hardly received them. In every case, however, the transmittal and the reading of such records only had the significance of a giving information. The responsibility was borne by each plant leader for his own plant, but only for his own plant.
- And of Farben have anything to do with the selection or employment of the numerous individual plant leaders in the large Farben plants?
- A. No, only positions in which the people concerned had the right to affix their signatures to any documents had to be registered with the Central Committee. Furthermore, it was a very part of the independence

which was left up to the leaders of the individual plants, that they could make the selection of all chemists, engineers and so on under their charge according to their own judgment. Heither the Chief of the Plant Combine nor perhaps even the entire Vorstand took any influence on this matter and, therefore, they had no responsibility for this. Only the plant leader concerned was responsible for that. On the other hand, his responsibility, too, was limited to the selection and to a general supervision. Anything also would not have been possible in view of the large specialization. I have already discussed this, when I compared the Leverkusen Plant with a girantic hospital in order to examplify the specialization in chamistry that even went much further. Neither the entire Vorstand nor the leader of Plant Combine could concern himself about the details of a large Farben Plant as was, for instance, Leverkusen.

- Q. When did you terminate your activity as Chief of the Plant Combine Niederrheim?
- A. When I was describin my career, I already stated that I resigned from my activity as Plant loader of Leverkusen Plant at the end of July 1943. The management of the Plant Combine Lower Rhine and the membership in the Farben Vorstand I ret ined until the end of 1944, but as I said, already, and as also Mr. Struss has said in a different place this was only a formal affair so that I could not be drafted for servide in any other place during the war. In practice, I was in retirement in Lindau beginning with August 1943.
- Q. If the witness, Dr. Struss, says in his effidavit 5129, exhibit 363, document book 15, pages 118 to 120 of the English and page 139 in German that you resigned from your position in August 1943 and that you only formally were the leader of the Plant Combine Lower Rhine than that is quite correct?
- A. Yes, it is also correct that Dr. Struss says on the same spot that on the 30th of June 1945 I wanted to begin my retirement. I actually that intention in 1943, but I went into retirement at the end of 1944 and beginning with January 1945 I didn't get any further salary. Thus

I resigned practically from my position as member of Vorstand and Plant leader of the Flant Combine Lower Rhine in February 1944. My last presence during a Vorstand meeting was at the beginning of November 1944. Only the deletion of the position of Vorstand member from the Commercial register was delayed because of the war, but that was only a formal affair.

- Q. Therend of 1944. Was this translated as February 1944? That would have been an error.
  - A. I said at the end of 1944.
- Q. I want to ask you a question. What can you say about your membership in the Vorstand? Perhaps you can do it briefly, since the Vorstand has already been discussed in detail by other defedants.
- A. I represented the Leverkusen plant particularly in the Vorstand, My co-defendant Ter Meer has already correctly described that the position of the Vorstand members who were in charge of the plants or in charge of sales combines could be compared approximately to the positions of directors general of independent concerns. As such a general director, I myself felt in the Edverkusen plant, I reported to the Vorstand about those parts of my work about which I believed that it would interest my colleagues.
- Q. What can you say about your membership in the Aufsichtsrat, or of the business management of other enterprises, or in any other committees? The witness Dr. Struss stated in his two affidavits, NI-5022 and NI-5129, Exhibit 302 and 303 respectively, in Book 11, listed a number of positions and you yourself described those positions in NI Document 10390, Exhibit 1618, Book 56.
- A. Generally speaking, I can say that I only held these positions because they had something to do with my activity in Farben. These positions resulted either because I was the leader of the Leverkusen Plant or because I was a particular expert in the field of inorganic chemistry. Here belongs, for instance, the fact that from the middle of 1927, on I was the business manager of the Titangesellschaft in Leverkusen.

  This enterprise was owned by Farben 50 percent and was 50 percent owned by the Titan Company, Inc. In New York, a subsidiary company of the National Lead Company in New York. They manufactured titanic white. And the fact that since 1930 I was a member of the Aufsichtsrat of the Societa Italiana de Litopone in Milano, and Italian concern for the production of the white

Striss listed that I have ever held, there isn't a single one of any conspicuous, economic, or other significance. Political significance is not to be attached to any of these positions; but since the Prosecution, in answering my counsel's motion, referred particularly to my positions, I believe I have to deal with this briefly.

There are mentioned here the Advisory Souncil of the Economic Chamber, Duesseldorf, the Advisory Council of the Industrial Department, Duesseldorf, the Chember of Commerce, Nuenchen-Gladbach the District Labor Chamber in Essen. These were economic associations and industrial agencies that always existed and in which I sumply was elected a number automatically because I was the manager of the largest enterprise in the Rheinland. I was the chairman of the Aufsichtsrat of the Duisburg Comper Nine because I was an inorganic chemist, and since the Duisburger Kupferbuctte was owned 53 percent & Farben. The Duister per Kupforkuette worked on the pyrites leftowers of Farben plants from which they manufactured iron, copper, zinc, and other metals. Then there are a number of Litopone plants which were whed by Farben 50 percent and were 50 percent owned by an associated or friendly firm, the Association Schachtleben. Then I was a member of the Aufsichtsrat of the Rheinisch-Westphaelische Electrical plants in Essen, because the Levenhusen was one of the largest consumers of the electrical oner which this plant produced. Then I was an Aufsichtsrat member of two minin; corporations, such plants that manufacture Fluorspat and Schwerspat. and finally I was a member of the Aufsichtsrat of those plants of Farben that were situated in Yugoslavia, Austria, and Czechoslovakia, and that Were effiliated with Farben in a manner which I will describe later.

Q. About the Donauchemie, A.G., and the Chamische Werke Aussig. Falkenau, in particular. I shall ask you about these in more detail when dealing with Count II of the indictment.

Please now make brief statements about the Southeastern European Committee of Farben?

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- A. The Southeastern European Committee of Farben had been formed at the end of 1938 within the framework of the Technical Committee and the Commercial Committee in order to discuss jointly the technical and commercial questions relating to the European southeast.
  - 4. Dr. Kuehme, would you please repeat the date?
- A. At the end of 1938 as it is contained in the record of the commercial Committee of the 25 of September 1940, FI-6161, Exhibit 369, in Book 14, under paragraph 7. This Committee merely had advisory functions within the framework of the Technical Committee and Commercial Committee.
- Q. Did this Committee have anything to do with the Southeastern-European Committee of the Reich Group Industry? , , , ,
  - A. No.
- ". Which is mentioned in the affidavit of the witness Frank-Fahle, NI-1294, Exhibit 511, in Document Book 227
  - A. No, those were two completely independent committees.
- Q. How was your time taken up by your activity in other enterprises, scientific convittees, and so on?
- A. I can say white well that my time was very much taken up with work. I was enthusiastic about chemistry and technical science, and I tried to keep abreast in literature as far as possible with the developments. Furthermore, the direction of such a large plant was connected with many other functions. During a very large part of the year, I was away on official trips. Approximately during one—third or one—half of the year I was away on trips. This was the reason who I had constant deputies appointed for all fields in the Leverkusen plant. They took care of all the details for me so that I only had the supreme leadership.

DR. LULI ERT: I went to introduce Document and Exhibit Mumber 12
here. This is an affidevit of the witness Koziol in which the total number
of the days spent away on trips by Dr. Kuchne is given for the years from
1935 until his resignation at the end of July, '43. The most days spent
away on trips was in '37 when the amount was 195 days, more than the days

that he was present in Leverkusen. During the war the figure became lower, and the smallest amount was during the first seven months of 1943 before he resigned. At that time Dr. Kuchne's sickness, arthritis deformans, became more evident and speeded up his resignation.

Mr. President, I now want to deal with the questions relating to Count I, but I believe this is a good place to have the recess.

THE PRESIDENT: The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

### DIRECT EXACIDATION

### BY DR. LULISERY:

Q. Dr. Kuelme, I should now like to turn to the question concerning Count I of the indictment. The Presecution charges the defendants with an alleged allience of Ferben with Mither and the Mazi Party. First, tell no what was your relationship with the MSDAP?

A. Already before 1933, Dr. Loy, the later head of the organizational structure of the HSDAP and leader of the German Labor Front, had asked no repeatedly to join the Party. For seven years, Ley had been active as a chemist at the Leverkusen plant, but in the year of 1927, he was dismissed because he insulted with our Aufsichtsrat members who were of Jurish confession, in particular, Mr. Marburg, Dr. Loy, however, repeatedly eums to Loverlason after his dismissal because he had his family there, as well as many friends. Before 1933, I always objected to entering into the Party because I did not want to belong to a party which was in so strangly opposed to the Government. After Hitler became a Reichschancellor in a coalition government and the MSDAP therewith assumed powers of inversiont, the reason for my refusel was no longer valid. When Dr. Loy, in the spring of 1933, appeared at my place again and asked no to join the Party, I accepted the membership. Shortly after my declaration of willingness to join, I fell ill and I had to go to Aschen for a number of wooks in order to be cured there. When I was again well enough to so but, the Josish shops in the vicinity had been demolished only one day before that. I would have preferred at that point to withdraw my Embership, but when on the next day I arrived home, my temperary whittenes into the Party was already there. At that time already, I trild not reject this admittance without running a certain danger. My inact reasons which prompted me to join were the following: During the According years, I had to witness the disorganization of the various Marties and the inability of the Reichstag to achieve a practical Arliamontary majority. There were 36 parties which split Germany

political. I particularly velcomed the plan of the HSDAP which appeared in the spring of 1933, the plan to climinate unexployment by opening new projects, by building autobahns and new constructions. At that time and still today, I considered the more payment of unemployment monies to unsuployed people as it was the case before 1933 by the governments of Germany as a great social mistake, because the person so supported thereby gets used to doing nothing and thereby leses his skill. In Leverkusen, I experienced that workers with many children approached no and asked no to be dismissed, because as unemployed they would carn more money in view of the fact that they received additional money for their children, then, they would earn by working in our plant. In particular, however, I welcomed the intention to give up this destructive struggle amongst the classes, and I welcomed the intention to create a sound relationship between employers and workers. Hitler's book, "Mein Eurof," I had not read, but I naturally know the HSDAP program from reports in the numspapers and from articles which I had occasion to road. In asiar as this program represented radical views, for instance, concurring Jews, I was convicted at the time that these thoses were morely used for propaganda purposes, and that at a later date they would adjust thomselves to a more reasonable standart when the MSDAP would have risen to a responsible governmental party. In my activity as head of these large plants, I have personally experienced that the most racial elements, when placed in a responsible position, become more responsible. In the same way, I considered it to be quite certain that the radical and less-educated cloments of the Party would be pushed into the background because they would not be capable for the management of responsible gavernmental agencies.

. (Continued) I hoped that Hitler would make use of better counsel. at this point perhaps I may point out that other people in Sermany hoped similarly. The material which was submitted by the Prosecution, I am referring to Book III, NI-9784, Exhibit 57, stamp: Special United States Senate Committee, a letter from Du Pont is cited; that is the report by Mr. Crane about a visit to Mr. Bosch. It has repeatedly been mentioned here that Mr. Bosch, that is to say the Bosch of Farben, was a furious opponent of Hitler; and Mr. Crane writes as follows, and I quote: "Professor Bosch confirmed our views to the effect that the contemporary times in Germany were very difficult and that the last weeks were particularly strenuous for the industry. Thereas the revolution in the year of 1918 was brought about because of the controversy of the u per and lower classes against the middle clases, the contemporary revolution came about because of the fact that the lower and middle class was fighting against the upper class and industry. Especially now it is a question of Fascism and Bolshevism, and industry must support the present government in order to avoid further chaos. Hitler's domination at first did not use industrial leaders, but during the last weeks he showed his determination by showing the radical people of the Party where to get off and he did try to obtain the counsel of industrialists." I quote further from Mr. Crene's letter: "After the luncheon, Dr. Carl von Weinberg came , he is now 73 years of age and daily visits the office in order to consult with members of Farben, Dr. von Weinberg also discussed the situation provailing in Germany, and although he was a Jow, he approved fully of the movement." I also had a number of Jewish friends who at the time hoped as I did, that the radical measures would cease, and that they would give way to more moderate views. Neither I nor many others who at the time joined the Party could suspect that a number of years later Hitler would become crazy and would throw Germany and a large part of the world into misfortune. The normal German men in my opinion could not suspect that at the time in the year of 1933. As a matter of fact, in the spring of 1933, I was impressed by the fact that the

MSDAF tried to bring about an adjustment concerning the attitude of the workers toward the employeds. They always stressed the necessity for ecoperation between manual laborers and the intellectual workers, and this was always in line with my social views. Naturally, my initial hopes were very soon disappointed. The first attacks against Jews and Jawish property disappointed me greatly. Then followed attacks in the cultural field and we witnessed all the excesses by the labor front. I was almost glad when in the fall of 1933 I was one day informed that I was dismissed from the party cum infamia, with shame, because it had been found that I was a Free Mason of the highest grade. The Free Masons lodges in Germany had been dissolved in the meantime to my regret. In 1917 I joined the Free Masons, and I reached the highest grade there. When entering into the Party I truthfully stated those facts as I was obliged to, but, as I said, half a year later I was expelled.

Alty I put one intermediate question here? The Prosecution has submitted a photostatic copy of your NSDAP card index. That was Document DI-5711, Exhibit 1619. Document Book 66, page 23 of the English, and page 23 of the German text. In this card index your expulsion from the Party because of your membership in one of the Free Mason lodges in the year of 1934 is noted down. The note, however, is so brief that it does not permit a definite conclusion as to the date of your expulsion from the Party. Could you perhaps clarify the date?

a I believe that the difference is rather negligible, but my memory could deceive me. All my material vanished in 1945 when I had to leave my house. All my money and my other property also disappeared, but I do remember as a result of other incidents that my expulsion from the Party took place in the fall of 1933. The difference in the date I can only explain because I paid my dues three months ahead, and it is possible that at the registration office of Duesseldorf the expulsion is dated back to 1934, because I paid my dues up to the 31st of December, 1933. The card index shows furthermore that up to the summer of 1939 I remained expelled from the Party. At that time a general decree of Hitler

was promulgated granting pardon to all former members of Free Mason lodges; that decree was dated the 22nd of July 1939; this decree is also entered into the card index submitted by the Prosecution and it says there that the expulsion was made invalid as a result of that annesty. Dr. Ley endeavored to get me back into the Party, and when he told me of that fact, I could hardly reject his efforts on my buhalf, especially in the year of 1939. In the meantime I had experienced so meny disadvantages and difficulties as a result of not being in the Party, and that in my capacity as a plant manager and as a private person. As a result of these purely external reasons, I could hardly reject the efforts of Dr. Ley on my behalf. The pardon of Hitler contained the information to me that as a former member of a lodge I could never hold an office in the Party in the future. The Party showed a great deal of suspicion towards me and that also held true of the labor front. This suspicion did not change during the following years. Again and again I had difficulties, even when in 1940, I think, I was appointed to the Vorstand of the Association of the German Chemists. Dr. Ley's part in that respect was rather poculiar; on the one hand there was no relation of confidence between us in any way at all; on the other hand, Dr. Loy in some way was attached to Leverkusen, and he expressed his attachment on the occasion of his verious visits at the city of Leverkusen.

In his speeches he attacked Farben and he again and again shouted about his dismissal in the year of 1927. In reality, however, he was proud of the fact of having belonged to this most beautiful plant of the German chamical industry. At every apportunity he emphasized that he was a chemical engineer and moreover he still respected the directors of that plant. Quite often Dr. Ley assisted me whenever I had difficulties with small Farty functionaries. On the other hand, I repeatedly had violent clashes with Dr Ley when I tried to criticize Party measures. In spite of the danger, I always criticized the excesses of the Party during all the years that followed. I personally always rejected and moved away from these exaggerated measures of the Party. Licinly, I intervened on behalf of many racial and political persocutees. My defense counsel will be able to submit a number of affidavits in that connection. I must confess that it was difficult for me to get these affidavits because I did nothing but what every ordinary human being considers to be a metter of course. Personally, I was supervised and controlled by the Gestapo which also checked my correspondence. That they did mainly because of the many friendships with Jows. Among my best friends there were many Jows, especially in the field of music to which I am very much attached. For a long time I supported the well-known Koelnische Zeitung in their fight for independence from the Party and the Party press. I supported them by making considerable money contributions from the Leverkuson plant. I never was active for the Party. In the same way, to the considerable annoyance of Party functionaries, I never visited many Party meetings as long as I was a member. I only paid the prescribed Party membership due in the year of 1933 before my expulsion. I never received a book showing my membership.

Q Dr. Kuchne, the prosecution has charged you that through a notice in the Farben Plant Leverkusen, dated the 25th of April 1933, you had expressed your sympathy with the Party. This is Document NI-6960, Exhibit 82, Document Book 4, page 79 of the English and 104 of the German text. Would you briefly explain that?

A I must confess that this charge of the prosecution remains incomprehensible to me. This notice, which I had to publish upon the request of the government, commences with the words, and I quote: "The government requests that the 1st of May be designated as a day of fostival for all workers." Merely this introduction shows very clearly that I only transmitted an order by the government. The next sentence reads, and I quote: "Since it is important that on this day the whole of Germany stands behind the gogernment, we request all colleagues and associates to attend the rally on this day and thereby show our will for cooperation. " The Party is not mentioned here at all. I only speak of the government. If I remember correctly, that, at the time, was still a coalition government, out of twelve or fifteen ministers, there were only four Mational Socialists. I don't believe, I need make any further explanation. The last sentence of my notice shows that the other national offices of the city of Leverkusen-liesdorf participated in the meeting of the MSDAP. I would like to point out something to the Tribunal. Me, the plant leaders, in the sense of the law for the order of national labor had to gather our employees on every 1st of May and it was our duty to make a patriotic speech to them. That was our duty.

Q Dr. Kuehne, the prosecution has furthermore offered a letter into evidence dated the 19th of March 1933. The letter was addressed to Dr. Wehl and that is Document NI-1091, Exhibit 83, Document Book 4, page 60 of the English and 105 of the German text. The letter bears no signature. The incriminating sentence of that letter reads, and I quote: "Even we would welcome it if very soon the National Socialist aims would be represented suitably in our plants." How can you explain that?

A I should like to point to one word in that sentence: "A suitable representative." Immediately after the seizure of power by Hitler that is, immediately after January of 1933 a number of Party members
who behaved rather wildly tried to get hold of the reigns among the

workers and I am referring to the so-called plant council. We called those people the so-called 150% Nazis. I had to fight against these people. At first, of course, I didn't know what the organization within the Party was like, but I did know that one of our chemists, a cortain Dr. Wahl, who was a very reasonable man, held some sort of position in the Party. I remember very well that I had him called to me and asked him to see to it that these 150% Nazis should disappear and that only reasonable and suitable people of the Party should be represented in the plant council. The Party after all demanded that they fill the position in the plant council. I think that this latter merely confirmed our conversation. Whether or not the letter was actually sent off I no longer remember, but, at any rate, I do remember the incident very well which preceded this dreft for a letter which it might well be.

Q Dr. Kuchne, the prosecution in Book 7 on page 31 has quoted the minutes of the conference of plant leaders at Laverkusen of the 21st of april 1933. This is Document NI-8461, Exhibit 170, Document Book 7, page 14 of the English and 31 of the German. The prosecution stated in that connection that in the first sentence of these minutes you had expressed your approval of the presence of National Socialism.

That can you say about that?

A As fer as I remember, here again I didn't mention the Party with a single word. I only said that I was glad that we again had a government which promotes duty and work as its major principle, which wants to avoid interference with private enterprise, and which wants to bring about a cooperation between manual and intellectual workers. I don't think that approval of such a state of affairs is in any way criminal. Apart from that I need merely repeat that, as far as I remember, we still had a coalition government at the time. But let me refer you to another point of the very same minutes. At the time, a number of air raid precautionary measures were discussed which had been ordered. At the end of these minutes I said, and I quote from

page 17 of the English and page 36 of the German text: "Kuchne states, concluding the report, that only those matters be put into effect to which the plant could be forced." This, in my opinion, shows clearly my attitude at the time.

Q Your Honor, in this connection I should like to submit a number of documents into evidence. I should like to submit Documents 13 up to 35. They refer to the connections of the defendant Kuchne with the Party, These are mainly Documents 13 up to and inclusive of 17. At the same time, these documents constitute general testimonials of the defendant's character and that particularly refers to Documents 18 to 25. Finally, these documents refer to Dr. Kuchne's attitude with respect to the so-called Jewish question. These are in particular Documents 26 to 35. I shall start now with Document 13.

Here the Former deputy Orts ruppenlaiter of Leverkusen-Wiesdorf states that Dr. Kushne was in no may an active member of the MSDAP. This is page 31 of the book.

The next document is an affidavit by the witness Milhelm Toedtmann, who, from 1933 to 1930, was the town report of Leverlasen. The witness scorns the supposition that for Muchae be charged with sympathy for the Party. He thinks it is reduculous and he quotes conclusive facts. In particular the witness states in the last paragraph of the affid vit that he himself had difficulties with the Party because he had friendships with reactionary and anti-Party elements like Mr. Muchae and Mr. Brueggmann.

The next document, your Honors, will be the affid vit of the witness Joerss. This will be Document and Exhabit Number 15. From 1933 up to 1937 this witness was the deputy head of the social department of the Farben plant of Leverhusen and he was in charge of negotiations with the Labor Office of the German Labor Front and the NSDAP for Leverskusen. The witness, under paragraph 2 of the affidavit, confirms that Dr. Kuehne had the welfare of the workers very much at heart; that on the other hand he did not desire interference by Part, organs. Furthermore the witness states that Dr. Kuehne had numerous differences with the various Party organizations and that he had the undesirable to a bowing to adjust these differences. In other words he played in the role of a buffer for both parties concorned. Under argraph 3 of the affidavit the witness declares that letters such as the one to Dr. Jahl Jated 19 May 1933 - this was mentioned by Dr. Kuelme before -- were the very opposite to being a support of Party propaganda. Dr. Joerss confirms here that the idea of this letter was the very opposite to being a support of Party propaganda. The maining of the letter was to get moderate and reasonable people into the MSBO of the Farben plant of Leverkusen instead of using radical members of the Party.

The next document will be Exhibit 16. This is an affidavit by Dr. Carl Dobmaier who, for many years, was an expert for inorganic matters in the directorate of the Leverkusen plant. The witness reports on the fact

of March 1935, had considerable difficulties with the German Labor Front and the Gauleitung because these Party agencies had issued a prohibition to their members to ittend the funeral coremonies. Dr. Kuehne immediately opposed this prohibition and agnowed it without thating for the raply of such agencies.

The next document, Exhibit 17, is an affilivit by Dr. Brna Kroen who, from 1935 to 1944, was an assistant to the American in the Parken limit at Leverhusen. The cit's an example concurring the relation between Dr. Kuehne and Dr. Ley, and she reports a clash which took place about the middle of 1940. At that time there had been a major air raid on the Farben plant of Leverkusen and a very large store of pharmaceutical products had burned. The damage had been very considerable because this sotre was kept in a wooden construction which was rather old and it was intended that this store be replaced by a massive stone construction, but in spite of approximately sixteen applications to this effect that had not been done. It had not been possible to achieve the approval of the responsible authorities in order to build the necessary construction. After the damage had occurred Dr. Ley appeared at Leverkusen the very next day with a staff of Party functionaries. He said that Dr. Kuehne was responsible for the dame. When Dr. Machne pointed out that the guilt had to be planned on those high agencies who refused these applications for a naw plant in spite of its urgancy and when Dr. Muchno added that these agencies always thought that they know everything much better Dr. Ley completely lost his benjor and shouted at Dr. Mushma furiously: "Dr. Ruchne, I shall report you to the Ruchmar. I shall have you put a rand a wall and shot." Dr. Kuehne sala that he was not propared to Liston to such remarks and when he asked how he was supposed to have avoided the damage Dr. Ley replied: "Had you turned to me in time then I would have Placed the churches in the vicinity at your disposal. Then you could have transferred all these products into the churches and the products would

have been safe from bombs and fire in the crypts of those churches." Dr. Kuehne answered, "Dr. Ley, what would the German people have said about something like that." The affidavit confirms that between Dr. Ley and Dr. Kuehne there was no relation of confidence. On the contrary they were very much opposed to each other.

The next document and Exhibit 18, is an affidavit of Hubert
Havenith who is the municipal music director at Leverkusen. He confirms
that Dr. Kuehne always promoted musical interests at Leverkusen to an
exceptional degree and this also in opposition to the MSDAP. In particular
whenever the performance of church music was concerned.

The next affidevit is Exhibit and Document 19. This is an affidavit by the musician Franck. He was the conductor of the plant excepof the Farbon plant at Leverhusen. This witness too confirms the exceptional encouragement given by Dr. Muchine to the musical activity at Leverhusen
and this in opposition to the NSDAR. He continues to say that Dr. Kuchne
openly criticized Nazi measures and he had experienced that on the occasion
of tany conversations with him.

The next document is Document and Exhibit Number 20. It is an affidavit of Dr. Scharf. This witness was the chief business manager of the Union of German Chemists and has known Dr. Kuehne for many years. He confirms that Dr. Kuehne's views were opposed to the Nazi regime and that the MSDAP made difficulties when Dr. Kuehne was to be nominated to the Vorstand of the Union of G. rman Chemists.

The next document 21 will be Ethibit 21. That is an affidavit by Alfred Verster. He is the commercial senior director of the chemical factory Kalk. This witness confirms that Dr. Kuchne has advanced cultural and particularly musical interests. Als that he held democratic and pacifistic views and was opposed to the Nazi regime and its racial policy. He furthermore confirms that Dr. Kuchne was friendly with a great number of Jews and that during the critical time of war he particularly assisted half Jews. He employed them because they had no other possibility to earn

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their living.

The next document will be Document 22 and Exhibit 22. This is an afficient by Dr. Russ, the member of the Verstand of the Duisburger Rupferhuette. I should like to ask the Tribunal, in the case of this document, to read every word of this affidavit, which is not very extensive because in my opinion it throws a particularly good light and correct light on Dr. Ruchnels character. You must take into consideration that Dr. Russ himself is a man of high standing and good character.

The two next documents, Exhibits 23 and 24, I can summarize. These two witnesses, Heinze and Daverkausen, are old workers of the Leverkusen plant who, already at a very tarry date when he first came there, worked with him in the sulphuric acid factories. Both give him very good testimonials as to his character and they confirm his democratic and social attitude.

The next affidavit is Exhibit 25. It is an affidavit supplementing Dr. Kuchne's statement which he made concerning the support he gave to the publisher and the proprietors of the Kochnische Zeitung. These witnesses du Mont confirm that Dr. Kuchne on behalf of farben supported them in their efforts for an independent press and in their opposition to the totalitarian demands of the NSDAP. After 1933 he contributed at least 30-40 thousand Reichsmark through Farben.

The next document is Exhibit 26. It is an affidavit by Dr. Schuctz, former member of the Verstand of the Sachtleben Company for mining and chemical industry. This also constitutes an examplorary testimonial of Dr. Kuchne's character coming from a man who has an outstanding character himself. The witness has known Dr. Kuchne intimately for more than 20 years. He states that Dr. Kuchne was decidedly opposed to the Hitler regime and to every kind of militarism. Dr. Kuchne, he says, was strongly opposed to Hitler's policy with regard to the Jews. I should like to ask the Tribunal to give particular attention to that affidavit.

The next document 27, your monors, is exhibit 27. It is a testimonial by two Dutch industrialists, Thomas and Terboven, who have known Dr. Kuchne for many years, and consider him a man of high standing and good character. They also mention -- and I shall revert to that later -- that Dr. Kuchne

gave them free insight into the Leverkusen plant. Finally, they confirm that Dr. Kuchne never made any favorable comment on the Nezi regime towards them and did not say anything unfavorable about the Jews.

affidavit by Dr. Paterson, member of the Vorstand of the Matallessellschaft A.G., Frankfurt on the Main. With respect to Paragraph 1 of that affidavit, I shall revert to it in connection with Count 2 of the indictment. I should like to ask you to give your particular attention subject matter concerning Count I saying that the two general directors of the Prager Verein. Dr. Maier and Klasch were personal friends of Dr. Muchae and both were of Jowish confession. This affidavit, too, is an excellent testimonial of the defendant's character. Finally, Dr. Peterson mentions that he himself was a recial persecuted of the Nazi regime.

The next document 29 is Exhibit 29. It is an affidavit of Dr. Simon, the director of the firm, Sachtlaben, A.G. for mining coal and chemical industry, Cologns. I should like to ask the Tribunal to take notice of that document. You will find it on pages 66 to 67 of book I. I should like to mention in particular that Dr. Mushne stated in November 1938 to those witnesses subsequent to the anti-Jowish events: "I am ashamed of being a German."

The next document will be Exhibit 30. That is an affidavit by the chemist, Dr. Beneker of Leverkusen. He was the Section Verstand at the Ferben plant Leverkusen. The witness had a Jawish wife and during the years after 1933 he was protected and supported by Dr. Ruchne in every possible way.

The next document 31 is Exhibit 31 is a testimonial by the student of Chemistry, Klaus Florey. He was formerly at

Heidelburg and he is now in the U.S.A. This is supplemented to the affidevit by Frau Dr. Erna Kroen. This witness Florey was protected and supported by Dr. Kushne when, as a half Jew, he was about to be sent to a forced labor camp.

The next effidavit, too, is a similar statement. It is document and exhibit 32. It is an affidavit by Fraulein gusdort. She, too, was amployed by Dr. Kuchne at the Farben plant at Leverkusen, being a half Jow, although such a contract had been refused by the racial political office at Berlin.

The next document 39 is Exhibit 33. It is an affidavit by the witness, Serwas of Cologne. He reports that Dr. Kuchne in 1934 vigorously intervened on behalf of the chemist, Dr. Rosenthal, who was persecuted at the time by the Gestapo. He furthermore confirms that Dr. Ruchne's correspondence was consored by the Gestapo. This witness had been a stenographer of Dr. Ruchne for many years.

The next document 34 will be Exhibit 34. It is an affidevit by the witness, Berliner of Leverkusen. He, too, was a half Jew end he was at the plant from 1933 to 1945. He was supported and protected by Dr. Kuchne in every possible way.

Finally, my last document in this series of document will be Emhibit 35. That is a certified testimonial by Dr. Harcelle Segre of Milan. He testifies that in 1937 Dr. Kuchne approved the nomination of himself as general director of the Italian company, Societa Italiano del Litopone of Milan. Dr. Kuchne tried to stop his dismissal later but in 1942, when on account of his Jewish origin the dismissal was made final, Dr. Huchne vigorously supported the witness's financial claims.

Your Honors, I should like to ask you to be able to conclude my presentation of evidence today at this time.

THI PISIDENT: Well, we can appreciate somewhat the fact that the defendant is not so robust and perhaps needs a rest. Have you any other documents you can offer at this time?

DR. LUNIMINT: Mr. Prosident, I should like to adhere to the system which I followed so far which was to simultaneously ask the witness and offer documents at the same time. I have now reached a point where I finished one subject and I should not like to offer the next documents before having previously asked the witness about them; but considering his state of health I should not like to do that any more today.

THE PRESIDENT: If it becomes necessary for us to run over some day about fifteen minutes, we will have to lean on you.

The Tribunal is now in recess until next Tuesday morning at nine ofclock.

(The Tribunal adjourned until 0900 hours, 30 March 1948.)

Official Transcript of Military Tribunal VI. Case VI in the matter of the United States of America against Carl Krauch, et al. defendants, sitting at Furnberg, Germany, on 30 March 1948 - 0900-1645 - Judge Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal is now in session. God save the United States of
America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Harshal,

THE MARSHAL: May it please Your Honors, all defendants are present save the defendants Lautenschlaeger and Haefliger, absent due to illness, and the defendants won Schnitzler and Duerrfeld, absent excused.

THE PRESIDENT: Are there any necessary announcements before we resume the trial?

Then you may continue, Dr. Lummert.

HANS KUEHNE - Resumed

DIRECT EXAMINATION - Continued

BY DR. LUNCIERT:

Mr. President, last Thrusday I had put a few general questions to the witness in the stand and then I had turned to the questions under Count One of the indictment. I had described the relationship of the defendant Eucline with the Party and, in that connection, I presented my documents up to and including Exhibit #35. I shall now continue there.

Q. Dr. Kuehne, the prosecution charges the Vorstand of Farben with having supported the Party with money. What do you know about that?

A. It has been exclosed remeatedly that the Vorstand of Farben, as a whole, did not make any particular contributions to the Party. However, the individual Vorstand memberal particularly the plant leaders, had the power and the possibility to give contributions, certain amounts, to the Party and its affiliated organizations. This was unavoidable because the pressure which came from the Party and its affiliated

and the difficulties which they were able to make to the plant leaders were different in magniture locally. For the American psychology this situation and pressure might be better explained if one compares the compulsory contributions with the various rackets that are in the United States. It is quite wrong to call this a voluntary support of the Party, that might have had the aim of helping it to carry out its program. Nobody among the Vorstand had such an idea. Individual larger amounts which Mr. Schmitz contributed I was not informed about previously. In particular, the contributions were completely unknown to me which were nede for sewral years to the Circle of Friends of the SS in the amount of one hundred thousans marks a year. For the rest, it has been explained here repeatedly that the relationship of the Farty to Farben was not a good one. That was also expressed by the fact that, as far as I know, apart from the leader of the Later Front, Dr. Ley, neither Hitler nor any other prominent member of the Hitler government ever visited a Farben plant, whereas other large plants were visited by Hitler or Goering or other, prominent members of the government. Only Dr. Loy, about whom I have \*lrasdy spoken in a different connection, visited Leverkusen repeatedly because he knew it from before.

Q. In that connection I offer Kuehne Exhibit and Document #36 which is in Document Book #1 on page 79 to 80. This is an affidavit of the witness Roottger of the Office, Chief of the Farben Plant in Leverkusen. He confirms that the Farben plants in Leverkusen, Elberfeld and Dormagen altogether, from 1933 through 1945, paid 190,000 marks to the Party and its affiliated organizations. That is to say, only 110,000 marks to the Party and its affiliated organizations, and the remaining sum of about 80,000 marks was for contributions for the winter relief and other purposes which do not have anything directly to do with the Party. The figures for the three plants - Leverkusen, Elberfeld and Dormagen - are consolidated for reasons of bookkeeping here. If this amount is distributed over the twelve

of the share then, an amount of only 3,000 marks was paid per plant and per year. I believe that this figure shows the extreme insignificance of the contributions. I ask that the Tribural then turn back to Document 25 on page 56 to 57 of Book 1. There the two witnesses Du Mont explain that Dr. Kuehne supported the Koeknische Zeitung in its fight against the Farty with about 30,000 to 40,000 marks. If one compares these figures with the small amount that was paid to the Party, then this is a further indication how small the support was that Dr. Kuehne gave to the Party.

I now put my next question to you.

The prosecution charges the Vorstand of Farben and also you with having planned wars of aggression together with Hitler. What do you know about that?

A. I personally never believed that Hitler would wage a war of aggression and I cannot remember that there were definite indications for a war of aggression. Farbon neither planned a way of aggression with Hitler nor did they desire it. Dr. Fer Neer has already stated that Farben would have been crazy if, after the experiences of the first World War, they would have desired a war, since at that time they lost 55% of their world market and, in a new war, even if it would be victorious for Gormany, they would only again lose a part of their business. I personally neither because of my activity of a Vorstand member nor in general had any idea Phont wars of aggression as is proved by many events for which my defense counsel is going to present documents. Above all, immediately before the outbreak of the war, that is until the end of August 1939, I worked together with many foreign firms and made available to them our experiences in the Frious fields. For instance, still at the end of August 1939, Leverkusen chemists and technical men were in Billigham in England in the plant that was constructed by the ICI. In the same way, Leverkusen chemists still in August 1939 helped the gas mask carbon factory in England that we had bilt. In France as well our technical men of the Lewerkusen plant were still working in August 1939 with the gypsum sulphuric acid plant and the

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explosives plant of the French Government in Saint Germain. When they left in the middle of August a new visit was arranged to take place in September. Furthermore, technical conferences had been arranged for September 1939 with the Belgium firm of Solvey, the British firm of ICI, and the Prager Verein, in Germany, in order to exchange the recent experiences in the field of chlorine electrolysis. This collaboration with the foreign countries shows that Farben and I myself in no manner worked towards weekening the foreign industries but that, on the contrary, we promoted and supported them, even where strategic products for war were involved. In July 1939 my collergue Brueggemenn, the chief of Titen Gesellschaft, in Lewerkusen, Dr. Raspe and myself, together with our wives, visited business friends in Horway. When our Morwegian friends asked us whether we considered a war possible we all unanimously answered at the time that we considered that completely out of the question for, we said, Eitler despised war since he himself had experienced the worst part of it during the World War and that he, Hitler, desired peace. These answers were in accordance with our sincere convictions. Still as late as the 25th of August 1939, one of my sons, who was an employee of the sales combine Frame Bayer, had loaded his automobile and baggage on the Steamer Praetoria and he wanted to sail to Johannesburg, South Africa, from Hamburg. He had been given a three years! leave of absence because he was a lieutenant of the reserve. Neither he nor I nor my wife believed at the time that two would come about for otherwise we would never have permitted our son to leave, five days before the 1st of September, to go to South Africa. Furthermore, I personally was always opposed to war and I was against the military and because I was a Free Mason I had a pan-European attitude and considered myself a citizen of the world.

In that connection I first of all offer Document 37 through al. They show that the defendant Muchae always was expressly opposed to war and that he always expressed that opinion in Leverkusen and to all has friends. First, I present Document 37 on page 81 in Book 1. It is an affidavit of the chemist and department chief Dr. Stauf in the Farben plant in Leverkusen. We are here concerned only with paragraph 3 of this affidavit but because of the connection I ask that the Tribunal take notice also of paragraphs 1 and 2 on page 81. Would the Tribunal please be kind enough to read through this short affidavit? Then I do not have to quote it into the record. From paragraph 3 of this affidavit I want to emphasize particularly that Dr. Muchae always expressed his feelings to the effect that no particular war plants must be constructed in Leverkusen. He agreed only with constructing a new plant if its products could also be used during peace time.

The next document 35 will become Exhibit 38. This is an affidavit of the int dealer von Kluck und Toschonomitz. This mitness has known Dr. Muchne since 1925 and Dr. Muchne stated to this man in 1939 that he did not think that Hitler would be foolds, enough to start a war.

The next document 39 will become Enhibit 39. This is an affiliavit of Kuehne's son, Molfgang. He makes detailed statements about those facts about which Dr. Kuehne has testified, namely that at the end of August 1939 this witness Molfgang Kuehne was about to leave from Hamburg to South Africa with all his baggage and with an automobile and that this trip could not be begun because the steamer was held up. I believe this is a clear proof that Dr. Kuehne and his entire family and his firm, with which the son was working at that time, didn't believe that war would come about.

The next document 40 will become Exhibit 40. This is an affid wit of the director and department chief in the Leverkusen Farben Plant, Dr. Klebert. Dr. Klebert describes Dr. Kuehne's reaction on the first day of the war. I believe it is remarkable and I should like to quote a few lines literally. On the 1st of September 1939. Dr. Kuehne said to Dr.

Milesert when he he was that wor had broken out: (page of the document book)

WI tent through a war and I know the horrible consequences of a war.

This time this will not be resuricted to a war against Poland, but this
beginning will bring about a landslide of a world war. Thether we are
going to win or loss the war, at any rate, the maturial sherifices which
are all peoples will have to bring shall be in no proportion to any possible profit, but more than those maturial sherifices will be the moral
degeneration and brutality of the peoples against each other and it will
take a long time before the psychological and physical damages that the
wer will cause will be overcome. I, in my age, shall no longer experience
normal relations among the peoples and I shall no longer experience that
I can talk to my foreign friends in the same way as I did up to now."

The next document and Exhibit 41 is the affidavit of the witness Schmitz, the former chauffeur for many years of the defendant Kuchne. I am here particularly concerned with paragraph 3 of this affidavit. This is to be found on page 90 of the document book. On the day when war broke out, Dr. Kuchne said spontanciously to the witness Schmitz that the war was a crime which Gormany's landers unhoushed only because they were completely ignoriant of the relations and conditions abroad and he said that he regretted that he could do nothing analist the tyranny that came from above.

I now offer Decement 42 this in 47. They have another content.

They do I with the close collaboration over a long pariod of years with the foreign countries in all fields of charistry. The first document is 42 which will become activity 42. That's on age 92 to 93 of the book. This is an excerpt from the American chemical periodical "Chemical and Metallursical Engineering", dated September 1936. Because of the significance of this excerpt I permitted myself to attach photostatic copies of the two pages in question to the document book. May I explain the photostatic copies briefly? The author of the article, who is at the same time the publisher of this periodical, Mr. Kirkputrick reports in great detail about a visit

in Leverkusen which was undertaken by a group of American chemists in 1936. On the first page of the document - that's 92A of the book - there is a partial picture of the Leverkusen plant. May I point out the wharf there? The wharf can be seen on the right on the round picture also. At the bottom, there is a photograph of some of the factories and since that picture isn't very clear, may I hand your Honors the original photograph.

DR. LULIERT: I want to quote two passages from this treatise. One is the address that Dr. Kuchne ande at the time. It has been reproduced here only in excerpts briefly. On the first photostatic copy on the right is the paragraph in small print, page 93 at the top. It reads: "If you as the representatives of the chemical industry and science of your country have come here to get better acquainted with our plant, we on our part would like to empress the hope that such an acquaintance should, at the same time, be a personal approach and that new friendly relations might be created between us. Two countries such as America and Germany which have the most modern and most efficient chemical industries of the world must, in my opinion, never again renounce the mutual exchange of thought and ideas but should always find again and again in such an exchange, valuable suggest one and a constant carichment of the soil of science." Then I should like to ruote from page 93A which is the second photostatic copy. This is a passage from which it can be seen that the famous American chemist Unslage, who won the Perkins madeallien, interested misself particularly in the burn production in Leverkusen. On the photostatic copy it is the passage that is underlined on page 93A. Hay I read briefly on page 93. "Finally, we were asked if there was mything else that we would like to see and someone (perhaps it was a distinguished Forkin Medallist from Akron) suggested that it would be interesting to see the production of the new synthetic rubber "Buna," provided there was no objection on the part of the prinagement. Dr. Kuchne quickly arranged trip to the new plent, where we were shown the final steps in the process during which the polymorized product is milled and calendered, compounded and finally fabricated into samples for conmercial testing. Tires and tubes made from Buna lave demonstrated superior performance over those made from natural rubber although it must be remembered that secmenic values are measures with a different yardstick in Germany when the comparison is between an imported and a demostically produced commodity." Mr. Unslage, from the firm of Goodrich, is the tall man on the picture next to Hr. Kuchne.

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MED E VE The next document, which is also Exhibit Number 43, is the affidavit the director in the Loverhusen Farbon Plant, Dr. Klebert. That is in page 94 of the document book. Dr. Klebert confirms a close collaboration over many years of the Loverhusen Plant with the foreign countries and particularly with British India, Poland, Japan, France, Ingland and Switzerland, in the field of the gypsum sulphuric acid process and that was up to and including September 1939. I believe that I do not have to quote more from this affidavit for the record.

The next document, which as also Exhibit Number 44, is an affidavit of the witness Dr. Cauer, the chief of the patent section in the Farben plant Leverkusen. The witness confirms that until 1939 negotiations continued with the Imperial Chamical Industries in Billingham, England, with reference to the cession of the gypsum sulphuric acid process. The accordance were interrupted because of the outbreak of the war.

The next affidavit, which is Edubit Number 45 and Document 45, is sworn to by Hugo Erstling. He is a works manager at the Farben plant Leverkusen. This witness confirms that in the summer of 1936 and 1939 until August he worked in France in the chemical plants Etablissements Kuhlarum. This is a state plant, where he worked by order of the Farben plant Leverkusen, to assist in the installation of a new gypsum sulphuric told plant. The enclosure to this affidavit is a letter of appreciation by the French firm bearing the date of 7 August 1939. From this enclosure it can be seen that already for the north of September, another visit was arranged.

AR. SPRECHER: I think Dr. Kuchne wants to make a correction.

A. May I point out an error of my defense counsel. This is not a state plant of Kuhlmann, but the conditions were different. The firm of Kuhlmann had a sulphuric acid plant in Saint Germain on order of the state according to the Leverkusen process. But the firm of Kuhlmann was not the state owned plant, but the explosive and powder plant Saint Germain was the state owned plant. Kuhlmann was only the reporter of this meeting the had acquired the licence for this process with us.

DR. LUMEERT: I believe that I can state that the result would be senetly the same.

The next document and Exhibit Number 46 will be an afficient of the witness Dr. Niemann. This is a department chief of the Leverkusen plant of Farben. That is the first document in-Volume 2 on page 101 to 102. The witness confirms that the Farben plant in Leverkusen readily collaborated with foreign countries in the field of activated charcoal and carbon and cooperated in particular with France, the Netherlands, Caschoslovakia, Italy, and Japan, and that there was particular cooperation with England up to the end of August 1939.

The last document in this group, Number 47, Exhibit 47, is an affidavit of the affiant Faubel, who was formerly in charge of the Farben plant guard at Leverkusen. On the basis of one particular case, the affiant confirms that the Farben plant Leverkusen did not keep secret from foreign countries any results of the buna research work up to 1939.

I now turn to my next question. Dr. Kuchne, the prosecution charges Farbon with having supported rearmament and thus having committed a crime against peace. - What have you to state about that?

A. I didn't consider it a crime and I still don't consider it a crime today merely for Hitler to try to make Germany able to resist aggression from outside, and that he was carrying out a rearmament after the former enemiss of Germany from the first World War on their part had not observed the disarmament obligations that were contained in the Versailles Treaty. It is also noteworthy that Russia, already in the years shortly after 133 had propored the construction of airports in Czechoslovakia. My personal attitude was, to be sure, always opposed to any war production of Farben. I always remembered the mette of the founder of Farben, Geneiarat Duisberg, who, in 1921, when I came into the founder of Farben, Geneiarat Duisberg, who, in 1921, when I came into the founder to that I myself, even during the war, tried to keep away any production from Leverkusen that could not also be employed for peace production. Leverkusen was not considered an armaments plant but only

a K and L plant, Of course, it was unavoidable that individual products The Loverkusen plant also were employed in armaments industry during . . For many decades we had produced dinitrobonzol in large a counts, which was an intermediate product for dyc-stuffs and pharmacouticals. During the war it was partly employed as an addition to explosives, Athough in itself it is not an explosive and is not combustible. In the transport regulations of the railway it is not classified as an explosive or as a combustible material. Furthermore, during the war smoke screen tionts that were produced in Leverkusen during the war were employed. It is a mixture of hydrochloric acid and sulphuric acid which is dehydrated which we produced during percetime as so-called chlor-suphon acid for peacetic intermediate products. The same applies to the activated chargoal which was used for the regaining of solvents during peace and in warting it had to be produced as a filter for gas masks in granulated form. All this can not be considered from the aspect of rearmement for A war of aggression. Neither I nor any of my chemists in Leverkusen bolieved that the German rearmament was to serve a war of aggression. "c know, from the first World Tar, that a country such as Germany, that and much too little natural resources, could not wage a war with any expectations of victory. I myself did not doubt the sincerity of the numerous affirmations of peace intentions that Hitler made. However there is an old latin saying which says "Si vis pacem, para bellum." President Meshington too said, "If we decive to secure peace it must be known that no are at all times ready for war." The truth of these words is also recognized by the United States today. I believe that American industrialists would consider it am insult if they were to be charged today with the fact that their present rearmament measures are to serve a mar of aggression.

. similar sentiment of an inner insight is felt by us ...selves. If I can speak quite frankly here -- when I now think of the years '33 to '39, and if I now must suffer the charge of having participated in a conspiracy against world place and having conspired for the preparation of aggressive wars deliberately, I can confirm that I never had the least of such intentions.

of Dr. Auchne, from increased deliveries could you not parhaps conclude that Germany's rearmament exceeded the necessary defense of foreign attacks? How about sulphuric acid deliveries to the Dynamit Nobel A.G.?

A Mo, I couldn't conclude that in any way. I had no insight into this since the rearmament plans were not known to me in detail. How should I know what rearmament was distincd for a defense and what rearmament exceeded this intention and was destined for a war of aggression. At best this could be seen by the general staff of Germany and in the final analysis only the supreme German leadership. As far as the deliveries to the DAG are concerned, the Dynamit Nobel A.G., considered in the framework of the entire turnover of Farbon and the Leverkusen plant, was only a very small part in the sulphuric acid. The figures for our sulphuric acid sale in Leverkusen were the following in 1939, approximately: wout 100,000 tons from our production went to the German Ammoniakgesellschaft for the production of ammonium sulphate for fortilizer; about 50,000 tons went to the Titan Gesellscha for the production of titan white; about 8,000 to 10,000 tons went to the Dynamit Nobel a. G. Even if the Dynamit Nobel 1. G. had received increased amounts of sulphuric acid in the years following '33 this would not have given me the idea that a war of aggression was being planned. I must

. In any capacity as a chemist that the DAG produced emplosives during peacetime mainly for mining, quarries, and so on. After 1933, because of the construction of autobahnen, because of the opening up of old quarries, of old and new mines, a large amount of increased need for explosives was created, and for this purpose more sulphuric acid was necessary also. The more or less heavy consumption of sulphuric acid depends entirely upon the method of work in the explosives factories. The explosives factories normally produce sulphuric acid back again which is only used as a catalyst in the production process. The sulphuric acid only has to absorb the water that is created during the process and it docsn't actually become a part of the explosive. If the production is increased extremely, then the explosives plants mostly have not the necessary machinery for regaining the acid and the acid is permitted to drain away, so that a heavier consumption is created which actually doesn't have to correspond with an increased production in explosives. From the consumption of sulphuric acid then, one can not necessarily conclude about the size of the explosives production. It is also decisive, and I have pointed this out already, that the DAG, when compared to other large consumers, was only a comparatively small purchaser of the sulphuric acid production of Leverkusen, and Farban as a whole. I never worried particularly about this small itom in our sales, and in that connection I never thought of a war of aggression nor could I have thought of a war of aggression in that connection.

Or. Muchne, the prosecution is of the opinion that the entire rearmament was carried out only in order to invade other countries, and that every German could have seen that from Point 3 of the Party program of the NSDAP, which reads as Collais: "We demand soil and land for the maintenance of our people and for the colonization of our excess of population." What have you to state about that?

A In my opinion one must make two sharp distinctions. On the one hand the very difficult economical situation of Garmany and on the other hand the means with which these difficulties might have been overcome. The fact that Garmany could not feed itself from its own soil and that it therefore needed the exchange by way of export and import of other countries, that fact is known to the entire world today. colonics might have offered an equalization. I always considered it from the point of view of the world peace that it was a scrious mistake that in the Versailles Treaty the colonics were taken away from Cermany because of power politics and that they were not later returned to us although they were only mandates. This could have been done by way of peaceful negotiations in 1936 or 1937, and this might have provented the outbreak of war. I want to refer to a book of my marrican friend, Hale, the excerpt from "Farmward March", which my defense counsel will present as Document Number 48. Held says that the trouble makers of the world were those nations which ogoistically retain colonial possessions because of their former conquests and which do not permit other prople to participate in their conquests. This quotation is found on page 106 of my Document Book 2. If Point 3 of the Party program domanded land and colonies for the German pulation that was a very understandable reaction, which "ollowed the seizure of German colonies and the Eastern Ericultural territory after the first World War. But from this state of affairs one must separate very clearly whether these difficulties that beset germany might not have been settled by peaceful means through negotiations or whether they were
to be evereome by a foresful policy of war. I can only
reiterate here that I never believed Hitler to be foolish
enough to begin a foresful war of aggression.

I now offer Document 48 which is Exhibit 48. This is the except from the book "Farmward March" of the American Hale which except was mentioned by Dr. Kuchne.

HR. SPRECHER: - Objection.

DR. LUNGERT: May I answer that the book has appeared long before the war -- 138 or 139.

THE PERSIPENT: State your objection for the record, Mr. Sprecher.

PRECHER: The opinion of William J. Hale without particularly some foundation with respect to "chemurgy taking command, etc." seems to us to have very very little relevancy here. The fact that he was a friend of Dr. Kuchne might have some influence if Dr. Kuchne were to tell us whether or not Mr. Hale and he discussed some of these ideas beforehand. That is why I didn't object when Dr. Kuchne was stating it. But the utility of this book of opinion written in the United states in 1939 by a man who is otherwise not identified, it seems to us is scarcely deserving of consideration as evidence in this case.

THE PRESIDENT: Well, there is much to be said in what Prosecution states as an objection but as we understood Dr. Kuehne he prefaced his testimony by saying that this book expressed his ideas and as reflecting his thought, his ideas, about this problem, we will admit it. Beyond that the Prosecution's objection will go to the weight of it anyway. The objection is overruled.

## BY DA. LUMERT:

Q I now turn to the charges that Farben and you yourself, Dr.

Kuehne, during the years following 1933 had collaborated with the Wehrmacht particularly closely. First question: The Prosecution charges you that in January of 1937 you had organized a so-called planned exercise (Planspiel) as a tactical manoeuvre. The draft of this planned exercise is NI-4619, which is Exhibit 103 of the Prosecution in Document Book 7, on page 41 of the English and page 78 of the German. That have you to say about that?

A This planned exercise - and that is very difficult to translate in English - it isn't a war game and it isn't a tactical manoeuvre. These two expressions refer to tasks of the General Staff but not a chemical factory. The title of this plan shows that this was an exercise in economics which was called a military and economic planned exercise in the accompanying letter of 22 September 1939. This planned exercise was carried out on the basis of an order of the Manistry of Defense. The sense was as follows: It was to be determined how the Leverkusen plant could help itself if it was damaged by enemy bombs during the war. It was an air-raid precaution exercise which dealt with the consequences of an enemy air-raid but it had nothing to do with preparations for an aggression, for a proper aggression. We didn't take this matter seriously in Loverkusen at the time because we didn't believe that any wer would come about since the re-occupation of the Rhineland 1 1936 was conducted peacefully. I quite openly termed this exercise as a lot of theatre performance during a meeting of my directors. It seemed to be most important to me that the people from the Wehrmacht

and the other guests should be properly served with wine and good food in our casino after the exercise was over. If the Vermittlungsstelle—I in Document NI-4628, Exhibit 186, Document Book 7, page 48 of the English and page 102 of the German says that at the end of January 1937 that the planning work had now also to be taken up in Leverkusen, then that meant only the so-called production plans. In connection with the planned exercise the Prosecution mentioned map reading which is a military affair but that is quite wrong. The expression "planned exercise - Planspiel" meant that this exercise was conducted according to a fixed plan or schedule. Apart from that one also thought of the plan, that is, the map of Leverkusen.

Q Exhibit 49, Document 49, is an affidavit of the Chemist Dr. Dobmaier which I want to offer to Your Honors. He confirms that in 1937 Dr. Muchne frankly termed the war game as a farce, monkey business. Mr. Mitness, you were just speaking about the so-called production plans. What have you to say about that?

A These production plans merely fixed what productions were to be permitted for each plant in war and what productions were not to be permitted to continue and what productions had to be restricted. Every entrepreneur and leader of a plant of course was highly interested in knowing how his plant and his production were to be affected by the war. For this purpose the production plans were drafted and discussed but here again it could be seen in no way that a war of aggression was being planned. Every state in every country in the world makes precautionary measures in possible case of war and I understood these production plans in that sense. May I mention once more that the Leverkusen plant was not an armament plant but only a K and L plant, that is to say, a plant which was necessary for war and necessary for life.

Q What have you to say about the measures regarding the observation of secrecy?

A My personal obligation to keep matters secret dated from February 1936, NI-4678, Exhibit 146, Document Book 6, on page 86 of the German

and page 52 of the English. I had to swear out this obligation of secrecy because the Wehrmacht demanded it from me through the Vermitt-lungsstelle-W. Such an obligation could not be evaded by any industrialist in any country of the world if its government demands that from him. But very soon an exaggerated handling of such obligations and secrecy regulations prevailed. Thus for instance, the Secretariats very soon abused of the secret stamps. In conferences with my staff I frequently had to point out to what extent the abuse of the rubber stamp "secret" was being put to.

In that connection I offer Exhibit No. 50, which is Document 50. These are excerpts from the so-called TDC records of the Farben plant in Leverkusen. I am particularly concerned here with paragraphs 2 of this document that is on page 109 at the top in Book 2. I chose this part of the minutes for an example to show that an economic use of the "secret" stamp was pointed out repeatedly. Mr. Witness, may I come back once more to the production plan that you mentioned. What was the contents of this production plan for the Leverkusen plant?

A This production plan contained only a few changes as compared with the peace production in Leverkusen. This was caused because the export business was given priority far into the beginning of the war. Only for the tar dyestuffs production was there a certain restriction for Leverkusen. Leverkusen did not produce anything in which the military authorities were particularly interested at that time.

Q Dr. Kuchne, may I ask you now, did the so-called Security Service of Farben and Leverkusen have anything to do with the secret police measures on behalf of the Wehrmacht or with the Security Service of the SS, the so-called SD?

A No, this S\_curity Service which we also called the Plant Police had already been activated in Leverhusen in 1921 when we had very unpleasant experiences with Chemists and engineers who were hired off by some American firm and who took along important plant secrets or wented to take these secrets along. These plant secrets as I myself could observe accidentally, they had acquired by breaking into the desks of their colleagues and superiors. I, therefore believe it was the right of our firm to have these people arrested. Details about this can be seen from the affidavit of the affiant Herbeck which my defense counsel will offer as a document and Exhibit No. 51. I refer to it Herbeck himself who was a former official of the criminal police entered the private services of Farben in 1921 in order to be in charge of the Security Service or the Flant Police. - The ever increasing thefts of material and ideas that wore the property of the firm rade the activation of such an agency an absolute necessity. It was the take of this Security Service to prevent espionage and to compat the disclosure of process secrets. This activit over many years had given valuable experiences to Fr. Ferbeck. When in 1936 the erection of a central grency for counter espionara for industrial and econo ic plants was necessary this position was offered to Mr. Merback, as so-called Department A or Office A, in the Vermittlungsstelle-W. This agency of course has nothing to do with the SS, the SD or the Gestape and Herbeck had nothing to do with those people either as far as I know.

Of I want to present Document 51, Exhibit 51, which is an affidavit of the affiant Jean Merbeck who has just been mentioned by Mr. Muchne. That is on page 112 to 113 of the Document. The witness describes the details of the incident at the end of 1920, beginning 1921, which brought it about that the Farben plant in Leverkusen, which was called Bayer Plant in Leverkusen at the time, instituted the so-called security- service at the time in the plant. I believe that I do not have to read the details of this affidavit for the record but in this connection I want to point out Document HI 1078 which is Exhibit 1019, Book 43, on page 282 of the English and 283 of the German. There the former attorney-general Biddle

of the United States says to an investigation committee of the Senate in 1944 that Cornan chamical plants already in 1921 had rade difficulties to the American firms for hiring German scientists and that the firm of Dupont who had made such an attempt had her scientists put into rison. This statement was made on the basis of erroneous information as can be seen from the afidavit of the witness Merbeck, Document No. 51. Document and Exhibit No. 52 I offer next. This is a offer affidevit of Jean Werbeck. The witness says here that since 1921 he was only in the private service of Farben and that ofter 1933 he was neither a monber of the Gestape nor that he worked for the so-called SD. I take the libert ere to point to Document HI 135h5, Exhibit 1951. This is a letter from to defendant 6 joursky written to Professor Selek deted 5 September 1931 and this letter was put to Cajewski during cross examination. D. . . jowski erroncously called Terbeck a number of the Castapo in this letter. This document, No. 52, shows that that was a more ormor. I now turn to my next question: The Prosecution has cited for a further proof of the close collaboration of Parbon with the armed forces a letter to the retired Captain Minzer in Leverlosen dated 16 March 1937. This is Downst MT 4623, Exhibit 491, Dook 22, page 14 of the English and pris 20 of the Cornar. This letter makes statements about the appointment of Dr. Flinzer in becoming the Military Rephonic Leader. That leve you to say a cut this letter?

A Dr. Flinzer was a chemical can, a chemist in a dyestuff
plant in the Loverkusen plant of Farcen. He had no relationship with the
plant management nor did he have anything to do with any managing agency.

As far as I can remember I was informed of the letter that was written to
him at the time. As I am able to see from the document here it bears the "secret" stamp. As far as I remember Flinz r came to see me only in order to
get permission to accept this title. The name and title and significance of
the Hilitary Economic Leader were completely strange to me but of course I
had no objections for Flinzer to accepting this title, a matter which obviously
fave him much joy. I didn't make any further enquiries as to whether he was
actually given this title or not. I merely know that Flinzer was an entimesiastic and good reserve officer from the first World War and I assumed that the

Hilitary Economic I spectorate, therefore, wrote this letter to him and wanted to show him some honor.

Q I now offer Document 53 and Exhibit 53. This is an affidavit of the Chemist Dr. Flinzer who has just now been mentioned on page 116 of the book. The witness confirms that in 1937 he was to be appointed a H litary Economic Londor but that he actually was not thus appointed. He furthermore confirms that this intention of his appointment had nothing to do with the Farben plant in Leverkuson but was only connected with the fact that he was a former officer in the first World war and that he was probably considered suitable for that reason. Dr. Kuehne, can you give no an example for the fact that the Wehrmacht even obligated certain of your employees to keep matters secret behind your back?

A Yes, that unfortunately did happen. I mention the case of Dr. Hoack, the chemist. Dr. Moack who in O tobor of 1938 without informing me previously accepted this secret mission of the Army Ordnance office to undertake experiments for the development of mustard gas in the laboratory on the basis of a new apparatus that he had invented. Approximately six months Actor I learned this accidentally. I repeatedly prohibited any further such obligations of secrecy behind my back and even if these were entered into with the Army I prohibited it. Furthermore during a mosting of the plant loaders I said at the time that I would punis any lody with in redicte dis issal who recepted such secrecy obligations without informing the plant management. The case of D. Hoack had a sequence because his direct superior, Dr. Heder, who also learned about this even by chance a few months thereafter was suspected of unreliability. Despite all my efforts I was not able to obviate the suspicions the Army had against him because an unfavorable report of the SD had been made against Dr. Meder. When Pubel, who was the Abwehrbeauftragter of Leverkusen, the counter-intelligence man, together with me, intervened for lieder, his rosition also because untenable and the result was that D . Heder was dismissed from Farben's services and Dr. Faubel had to

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take a position in another plant of Farben.

THE PLESIDENT: We will rise for a recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. LUMBERT: The witness Dr. Kuehne just testified on an incident of 1938 when one of his chemists, Dr. Noack, behind his back was obliged by the Wehrmacht authorities to carry out experiments on D-Lost in the laboratory at Leverkusen; and furthermore that Dr. Kuehne himself only learned of it in 1939. In this connection, Your Honors, I am submitting the documents and exhibits 54 up to and including 56. These are affidavits of the persons participating in the incident at the time: Dr. Mader, Dr. Faubel and Dr. Noack. I can treat all these documents together. The witnesses tell of all details of these events; in particular they report that Dr. Kuehne at the time, in 1939, was very decisivaly opposed to any one making such obligations on the chemists of his plant without his knowledge. Dr. Meder in particular confirms that Dr. Kuehne at the time opposed any work whatsoever in the field of special armament measures. Dr. Faubel in particular mentions that at the time a definite opposition to the SD and OKW came into affact, whereby Dr. Kushne at the and unfortunately could not succeed in keeping Dr. Faubel and Dr. Noack at his plant.

In this connection I should like to ask the Tribunal to once more get hold of Document Book 1. I should like to ask you to turn to page 21. On that page you will find excerpts from the Works Managers' Conferences at Leverkusen. I refer you to paragraph 1 of that document, on page 21 of the book. This is an excerpt from the minutes of the 17th of July, 1939. I shall quote briefly: "Obligations for plant managers to maintain secrecy imposed by other offices can only come about with the permission of the plant manager."

Dr. Kushna announced this order, and this excerpt confirms the incidents I just mentioned.

BY DR. LUMBERT:

Q I shall now turn to the next question. In Document Book 35, on page 6 of the English and page 12 of the German, Document NI-8980, Exhibit 618, it is stated that approximately in 1935 work was

started on nitrogen lost at Leverkisen. Is that true?

A No, we are here obviously concerned with a typographical error or an error in the statement. This matter has already been clarified here. The witness Dr. Gross, in Hoerlein Document Book 2, on page 29, confirms in Document NI-6927, Hoerlein Exhibit 33, that it should read Ludwigshafen instead of Leverkusen. The order for the experiments with D-Lost, directed to Dr. Noack, which I just mentioned in my testimony, is contained on the next page of the document just mentioned by my Defense counsel. Only this order concerns Leverkusen.

To Dr. Kushns, the Prosecution has submitted a latter by you to Dr. Ambros of the end of September, 1939; that is Document NI-7425, Exhibit 640, Document Book 36, page 10 of the English and 11 of the German. In this latter you confirm to Dr. Ambros that Leverkusen agreed to the construction of a D-Lost plant. How did this letter come about?

A I already mentioned that I was not informed of the secret order issued to Dr. Noack concerning D-Lost, and I only heard of it much later. Dr. Noack and his associates during those experiments discovered a modification of the Loewenstein Lost process for mustard gas, the so-called DL process. I had no reason to reject this process when Dr. Ambros, by order of the Army Ordnance Office, asked me for the cooperation of my gentlemen in the planning, construction and operation of such a plant. If it is stated in my letter: "Leverkusen undertakes the planning, construction and operation of this plant," that does not mean that the plant was to be constructed at Leverkusen itself and that it was to be operated there. I was basically, ever since the First World War, an absolute opponent of chemical warfare and I did not desire Leverkusen to produce such substances.

The order which was issued without my knowledge could not have been prevented by me. Apart from the small substances produced during the experiments, no chemical warfare agents were ever produced

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et Lavarkusan. Actually, the plant, as Ambros already testified, was constructed at a different place.

Q In Document Book 35, in Document No. NI-8980, Exhibit 618, on page 7 of the English and 15 of the German text, it is mentioned that towards the end of 1938 in the plant of Uerbingen, the substance adamsite was developed and later produced. Di you know of that?

A No, only towards the end of the war when production had already been stopped I learned of that., It can easily be explained why I had no knowledge of it. I was not informed for two reasons. Dr. Haberland was in charge of the plant, which belonged to the Nieder-Rhein concern and he managed it very independently. Furthermore, the order by the army Ordnance Office was kept absolutely secret too, so that I didn't receive any information about it. My colleague, ter Meer already testified here that he neither heard of this order for the plant which was also kept secret from him.

to 129 of the English text and 179 of the German text, it is stated that the Army Ordnance Office from approximately 1942 requested the construction of another plant for phosgene production. It is furthermore stated that the construction of a Wehrmacht owned plant at Moosbierbaum was taken into consideration in the entire planning project. What do you know about that?

A The statement made by Dr. Ehmann in his affidavit is utterly confusing and incorrect. The Skoda-Plants Wetzler to which the Moosbierbaum Plant belonged was bought in the year 1938. The stabilizer plant was only discussed in 1942. That is to say, it could not have been taken into consideration in the entire planning of the plant as the affiant says. Apart from that the stabilizer plant was never constructed.

Q. In this connection, I would like to ask you about the

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magnesium plant for Moosbierbaum. With reference to Count I of the indictment on page 44 of the Trial Brief, the prosecution states that this plant had been incorporated into the planning program of Farben in the year of 1938. Is that true?

A No, that is not correct. The plant was only planned and discussed during the middle of the war, either at the end of 1941 or the beginning of 1942. The actual construction was only started in the year of 1943 and that has already been confirmed here by Mr. Buergin.

- Isn't there a confusion here with the new sulphuric acid factory at Moosbierbaum?
- "I hardly think so, but perhaps it is possible. A new sulphuric acid factory in place of the old obsolete sulphuric acid installations at Moosbi irbaum was already planned in the summer of 1938. Its execution, however, was then delayed and in the summer of 1943 that plan went into operation. It was exclusively planned for the coverage of the Austrian peace time requirements.

DR. IMPIERT: In order to substantiate the witness's answers I am offering the Exhibits 57 and 58. Document 57 is an affidavit of the witness, Mansfeld. H confirms that the stabilizer plant planned in 1942, together with the phosgene plant, was not constructed at Moosbierbaum. The Witness Schueth, in Document 58, confirms that the sulphuric acid plant, planned in 1938 and put into operation in 1943, was used at Moosbierbaum to keep all supplies of the artificial silk and cellular wool industries for Austria.

I shall now turn to the next question:

Q (By Dr. Lummert): The prosecution charges Farben with having stock piled large amounts of raw material for the preparation of an aggressive war, inclusive of sulphuric acid.

Since to Leverkusen belonged one of the biggest sulphuric acid plants of Farben, I should like to hear your opinion on that.

A First let me say that I don't know at all what could possibly be stock piled at Farban. I never heard of any stock piling intentions for the preparation of aggressive war. At Leverkusen, as well as in all farban, we did not stock pile any pyrite. I think that Dr. Wurster will talk about the subject at greater length, but let me just say this:

In Document NI-8843, Exhibit 749, Document Book 40, English page 85, German page 117, in a letter of Varmittlungs—stelle-II to the Mchrwirtschaftsamt of October, 1935, statistics of pyrite stocks are mentioned. I assume that the prosecution intends to charge that these stocks were intended for stock piling for aggressive purposes. I think that these stocks correspond to a need of three menths for Ludwigshafen, four menths for Leverkusen, two menths for the plant of Dormagen, and six menths for the plant Verdingen, four menths for the plant of Hocehst, two menths for the plant of Welfen, and four menths for Docheritz. These were quite normal stocks and they were normal for the following reasons:

Pyrite was imported from Spain for Farben, as well as for most of the other German factories. In view of the uncertainty of the water transportation in winter, it was sommon practice for decades, as for example at Leverkusen, to keep a stock for about four to five months at all times.

DR. LUMBERT: I am now submitting Exhibit 59 and Document 59 and I should like to ask the Tribunal to turn to page 126 of Document Book 2. This is an affidavit of a Farben chemist of Leverkusen, Dr. Klebert.

He says that the pyrite stocks of the Leverkusen plant

from 1933 until 1940 remained the same on the average and that stocks lasting for three to four months were always normal. I shall refer you to the individual figures listed in the document. He further says that pyrite was mainly imported from foreign countries, especially from Spain and that it was always necessary to keep a supply for a number of months on hand in order to be independent in case of transportation difficulties in the winter. He further states that that had always been handled in the same way.

I shall now turn to the next point;

- (By Dr. Lummert) The prosecution charges Farben with having carried on economic espionage and having employed espionage agents. Do you know anything about that?
- If of the contrary I might state that not only for mysalf, but also for my associates, I refused to report on one of my trips abroad to an Abwehr office at Cologne, of which Mr. Focks was the head.

DR. LUNIMERT: In that connection, I shall submit Document and Exhibit No. 60, which is an affidavit of the witness Zimmermann, Plant Protection Inspector at the Farben Works, Leverkusen. I refer to paragraph 2 of that affidavit on page 128 of the document book. The witness states, and I shall briefly quote, "I confirm that Dr. Kuchne always refused to report on his travel experiences abroad to the Security Office of Military District H.Q.VI (Focke, Kettnis) although this office repeatedly petitioned Leverkusen for reports from gentlemen who had travelled abroad." I should briefly like to mention at this point that the Defendant Mann, in his presentation of evidence, will also submit an affidavit of the said Major Focke. Focks will also confirm this matter.

- I shall now turn to my next question:
- Q (By Dr. Lummert) The prosecution maintains that the Vorstand members of Farben, by virtue of connections with the Party, and, in particular, as a result of the war, grew in power and enriched themselves. Is that true?

A No, that is not true. Neither I myself nor my colleagues in the Vorstand of Farban, as far as I know, have profited by the THird Reich, or by the war. It has repeatedly been stated here that Farben was vary conservative in paying his Vorstand mambers. The Vorstand members, apart from a small fixed sum which was not even sufficient for paying income tax, received a royalty which was in a certain proportion to the dividends. It was arranged at the end of 1938 or at the beginning of 1939 in order to correspond with the salary limitations ordered by the Government that the Vorstand royalties should be calculated on the basis of a fixed dividend, irrespective of that the actual dividends would turn out to be. That is why the Verstand could never earn more, even when the dividend sum, after the increase of capital, bacame higher. Since contrary to the other firms, the royalties which we received from other firms because of our positions in the Aufsichtsrat there were deducted from our general income and so that, too, did not offer us an opportunity for an increase of incoma.

Deatedly increased and the net income decreased considerably from 1933 to 1914 and was almost reduced to its half. There were a number of smaller firms in Germany in which the Vorstand members were better off than at Farben. If one would draw a comparison with American conditions, one would find — and I should only mention "Time" of the 24th of September, 1945 — that a Director of General Motors, Erwin Wilson, earned \$150,000 per year, added to which there were a number of bonuses. By income from 1933 up to 1943 was not even a third of his fixed salary. If I deduct the income tax, for instance, income tax for 1945, I earned about a sixth of his fixed salary. In my opinion, all of the older Vorstand members fared similarly. The younger gentlemen earned much less. In my position as General Director I was in charge of a group of plants of Ferben, with a turn over of approximately 400,000,000,000 Marks and in addition to that, I held about twenty

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Aufsichtsrat positions. Without wanting to belittle Mr. Wilson's activity with General Motors, I do believe that he did not have so many technical, social and administrative tasks in his work as I did and we cannot compare our jobs. The fairy-tale of the high salaries of Vorstand members of Farben, or even of war profiteering is quite erroneous.

Q Dr. Kushns, what can you say about the charge that Farben conspired with Hitler against international peace and that every Vorstand member of Farben used his own political, military, and personal positions, as well as his own personal influence, in order to commit the crims of the violation of international peace, as well as war crimes and crimes against humanity or to participate therein?

A I neither held a political nor a military position. My positions in economic life, in addition to my main position as Vorstand member of Farben were only leading or Aufsichterat profitions in companies which were affiliated with or were alloss to Farben. Nost of them were small factories producing inorganic products like mineral dye styff, etc. In addition to that, I was a member of local chambers of commerce. These were representative positions in the sphere of trade and industry, but in those chambers of commerce I was only one of very many members. In other words, in public life, I neither exercised my influence nor was I politically or acommically predominent in any way. If I could reproach myself and my colleagues with one thing, it would be the fact that we have too little concerned ourselves with politics. We as technical men, scientists, and businessmen, devoted our work power to our own enterprises. That is why there were never any political discussions during all our conferences.

It was quite different in other countries, as for instance, in Great Britain. There, leading industrialists are very active in politics and often assume high political offices. If a man of industry and economy had become a German Reich Chancellor, as, for instance, Mr. Baldwin or Chamberlain, who were men of English heavy industry who

became Prime Ministers, I believe that the political development of Germany would have never ended in such a catastrophic way. The charge, however, that industry, and, in particular, Ferben, supported and brought into being Hitler's aggressive policy can in my opinion only be designated as erroneous and incorrect.

Q Dr. Kushns, did you at any time attend conferences with the leading political offices of the Third Reich in Berlin or elsewhere?

A No, at no time did I attend conferences with the leading political offices of the Third Reich. I vary reluctantly and vary much under compulsion want to a number of Reich Economic agencies. For instance, only one single time I visited Mr. Krauch in his Office for the Four Year Plan. I did that when I wanted to obtain his cooperation in keeping my associate Dr. Meder at my plant Leverkusen in spite of the attacks against him by the Wehrmacht. On the matter Meder and Noack testified, but unfortunately I was not able to succeed at the time.

Q One final question with reference to Count I of the indictment. Did the Vorstand of Ferben, when Krauchwas appointed to the Reich Office for Economics Expansion, participate in any way?

A No. No. The Vorstand was not asked about that matter. When Mr. Krauch was appointed to this office upon request of the Reich agancies, the chairman of the Aufsichtsrat, Mr. Bosch, himself, gave his formal approval.

DR. LUMBERT: Your Honor, I shall now turn to the questions with reference to Count II of the indictment.

Q (By Dr. Lummert) The prosecution maintains that after the forced anschluss of Austria, Farben acquired the Skoda-Wetzler Plants, by using pressure, is that brue?

A Lat ma say a few words with reference to the Anschluss of Austria, which allegedly was brought about by force and compulsion:

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Austric had been a state of the old German Reich long before America had been discovered. Goethe even attended the crowning of a Hebsburger Keiser in Frankfurt on the Main.

Only after the controversy between the Hapsburgs and Hohenxollerns in the year 1860 the two countries separated. When after 1918 both houses vanished a natural desire came about on the part of the Austrians and the Germans to live together in a conton German state. This desire was expressed in many meetings and elections and it was also expressed in decisions made by the German and Austrian Mational Assembly. The pacts of Versailles and St. Germain, however, prohibited the union of Austria with the German Reich in spite of the so-called right of self determination by the people. Even the customs union, which in the 1920's had been agreed upon between Germany and Austria, was preverted by the Allied powers.

When Germany, under Mitler, again obtained its right for self determination, the desire awoke in Austria to join with Germany and it was vividly empressed on many oc casions, For instance, on the occasion of a meeting of the Bunzen-Gesellschaft in (water on Emptember 1937, which I personally attended. As a marker of fact, the Anschluss was jubiantly welcomed in Austria by evapone concerned. Even the film which was shown by the Prosecution 18 sulf showed this exuberance at the event. By friend, the American chemist Hale, says in his book what the opinion was in Germany and Austria and throughout the entire world. He says, and I quote on Page 215 of his book ——

IR. SECTION: Just a minute. In Proceeding we have had a rather long dissortation by the defendant concerning a number of historical matters concerning Austria with which, certainly to some extent, I must enter, if nothing else, a personal dissent. But that is beside the point. I think that we are entitled to have questions which point to something specific and then so we can have some control both by the Tribunal and at least the power of suggestion by the Prosecution as to the course of this trial.

The defendant is now proceeding to read agains from some book after having made a statement that all the world favored the developments

in Austria, which is certainly a statement which scarcely deserves mention too, but I think the examination has come out of control and we request Your Honors specifically that the question be asked that asks for a specific answer.

DR. LUHE.T: May I reply to Mr. Sprecher? I think Mr. Sprecher interrupted Mr. Juehne's last sentence in that connection. He was just going to turn to the Skoda-Wetzler Plant. The witness merely is stating his own opinion on the question of the Anschluss of Austria and I think that it is relevant and it is his good right to talk about it.

THE PRESIDENT: The objection of the Prosecution will be overruled in view of the situation with which we are now confronted. It has been stated that the witness had practically completed his answer when the objection was made and we shall let him compete it, upon the theory that it might have some relevancy as to his state of mind or the state of mind of his co-defendants.

We think, however, that the matter of quoting from books or publications is one that might easily lead to abuse and also that we should point out that it is not the function of a defendant to argue his case but simply to state the facts as he understands them. In this situation the witness may complete his answer and counsel may ask his next question.

## BY DR. LUIS BERT:

- Q. Dr. Kuchno, you stated that your opinion was confirmed by sentence of your friend Hale on Page 215 in this book. I ask you to quote this very brief sentence.
- A. May I perhaps explain this to the Tribunal? We are here confronted with the serious charge of having been guilty of plunder and spoliation. I have to defend myself against that charge and I must clearly state here what my attitude was. Since I cannot assume that I, myself, could speak on this with authority, I have permitted myself to quote a number of other people who cannot be considered to be guilty

of being partial and that was why I thought I might quote this passage Hale states: "The absorption of Austria by Gormany in March of 1938 was the natural coalition of peoples of the same tongue and customs."

- Q. Dr. Kuchno, would you now please continue and discuss the Skoda-Wetzlar question?
- A. I should like to state the following in that connection: These plants were not acquired by Farben by the use of pressure. I did not personally participate in the sales negotiations. However, I do know the preliminary history leading up to them and I can discuss them in detail.
- Q. The witness, Dr. Krueger, in his interrogation of the 29 October 1947, transcript Page 2995 of the English, 3014 of the German, states that lisers. Ilgner, Fischer and you, yourself, had received the order to negotiate in Vienna for the acquisition of the Skoda-Wetzler plant. You just said that you didn't participate in these sales negotiations. In other words, Dr. Krueger's statement, if I understood him correctly, is not correct as far as your person is encorned.
- A. No. Dr. Krueger's statement in this connection is incorrect.

  To illuminate the background I should like to state the following:

  Together with my Farben colleagues, Pister and Dueden, already in 1927

  I had visited the Moosbierbaum and Liesling Plants of the Skoda-Wetzler group. This was done at the time upon the request of the general director of the Skoda-Wetzler Plant, Mr. Pollak, and also upon the request of his friend Roth, the head of the seles combine Anilinchemic of Vienna, which belonged to Farben.

On this occreion Mr. Pollak expressed his desire, which he had expressed to Schmits and repeated it, that the Skeda-Wetzler would like to merge with Farben. After our visit at the time Farben, however, was not interested in this small plant which could only exist because of the protection afforded it by Austrian customs. That is why we rejected the offer. In Mossbierbaum, in particular, the economic conditions were

unfavorable, as this holds true of all plants which, as Moosbierbaum, were converted from former explosive plants to peacetime production. In the case of such plants, one usually finds huge terrains with dispersed buildings which later constitute huge expenses.

Upon request of Mr. Pollek again we visited these Austrian plants a second time in 1936. Dr. Buergin and I went there. After, between the DAG and Farben, the idea was discussed to merge the Skeda-Wetzler Flant with the Austrian plants of Dynamit-Hobel, Pressburg, and thereby bring into being an active Austrian chemistry with a possibility for selling into the Setheast European countries. I approved of this idea which was mainly advocated by the people of the chemical sales, Mr. Weber-Andreas and his lawyer Buhl. In such a merger of the said chemical plants of Austria, I saw a possibility of a vital development, in particular a development for the Moosbierbaum plant which was located at a difficult point from the ecomomic point of view.

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- Q. Let me ask in this connection why Mr. Pollak again and again wanted to connect himself with Farben.
- A. I think that Mr. Emefliger elrendy testified here that Pollak's firm in this little field of Austria could only live very modesty producing very few inorganic substances and it could only exist because of the protection of the high Austrian customs. Pollak was an excellent charical engineer and in addition he was very interested in Plastics.

  He oven invented one plastic substance.

However, he was not received with understanding for his plans at the Austrian Creditanstalt. He wanted to expand production to the other chemical fields and that is what he told me. The Creditanstalt's attitude is best shown in the letter which Mr. Most von Sailler, the representative of Farben, wrote on the 13 of May 1936 to the Central Finance Department of Farben, in Berlin. This is Higner Document 147 in Document Book Higner Mo. 9, page 57. Mr. von Engel, the general director of the Austrian Creditanstalt, in case of the sale of the entire packet of shares of Skode-Wetzler to Farben, was no longer interested in the further development of the Skode-Wetzler plant. I shall quote from page 59 of that document,

DR. BULDERT: Nay I point out to you that the document book Ilgner No. 9 is before the Tribunal. The page 59, however, is the German page.

Unfortunately, I could not find out what the English page was.

THE WILLESS: This is Document 147.

BY DR. LUGGERT:

- Q. Yos.
- A. Ilgner Document 1.7. On the third page of this letter in the middle of the page it is stated: "In case all the shares were to be equired he as a financier was, of course, no longer interested in the further development of the Skoda-Wetzler Plant."

This letter clearly proves that the Creditenstalt, already before wistria's Anschluss, was prepared to give up the majority of the Skods-Wetzler Plant. On the other hand, the letter proves that the Creditenstalt

considered these plants only from the point of view of the banker and had no interest whatsoever in its chemical development. Ever since 1927, Pollak had hoped that, in case of an acquisition of the Skoda-Wetzler Plant by Farben, the chemical basis of his plant would be expanded and his scientific chemical ideas would then be executed. Mr. Pollak, on every occasion, told me what a great value he attached to the affiliation of his plant with Farben. From my visit of 1936 the following facts will remain forever in my memory.

At that time I invited Mr. Pollak to visit my own plant at Leverkusen, whereupon Mr. Pollak told me, "I don't think you will blame me if I, as a Jew, will no longer enter Germany. In spite of that I would welcome an annexation of Austria with Germany."

During my visit in 1935 Mr. Pollak introduced me to his friend, the bank director-president Mux of Vienne, who had the same religion as Pollak and who, as I, myself, was interested in music. He was a man who supported a mutual acquaintance of course, a cellist called Feuermann. We spent a few nice musical hours together and as a souvenir, Mr. Mux dedicated to me a Schubert mass he had recently discovered. I mention that in order to demonstrate the spirit of that meeting.

I can also refer you to a letter from myself to Mr. Pollak and one from Pollak to me, which was mubmitted as Ilgner Document 164 and 145, Document Book Ilgner 9 page 46 and page 47. This letter from Pollak to me shows clearly how glad he was about my visit and how he welcomed it that I gained a favorable impression of his plant. Again and again the hope is expressed by these lines that one day his plant will be affiliated with Farben. I may perhaps quote these few lines. I am quoting from Document 145, Exhibit 153, I quote: "I was happy to hear that you did not take an unfavorable impression along with you. Beyond that I was rejoiced having been able to meet you personally."

This backgroung shows that even during the years before the Anschluss there was a close contact between us with the final aim of Skoda-Wetzler's

The Austrians themselves. The negotiations of 1938, as I said, I did not attend myself. These were mainly arranged by Mssrs, Weber-Andreas, Dr. Buhl and Dr. Erneger. After the Anschluss of Austria I went to Vienna for the first time in the Fall of 1938 when the acquisition had already been made.

Q. For the sake of completion I should like to ask you whether you know sprthing about Mr. Pollak's death. The prosecution has submitted an affidavit of Mr. Rottenberg, Document MI-10997, Exhibit 1068, Document Book 53, page 53 of the English and page 70 of the German text, according to which Mr. Pollak died of unnatural death.

A. In 1938 I heard with great regret that Mr. Pollak died as a result of a heart attack when the Gestamo came into his house in order to search it. After hearing of the affidait of Rottonberg. I tried to find out about his fate by a colleague of Mr. Pollak, Mr. Englaender. He, as well as the witness Dr. Hackhofer, don't know of any unnatural death.

Tr. Kuchne, you said that you did not attend the business negotiations concerning the Skoda-Wetzler Plant of 1938. Why were you later consulted and when and why did you participate at a later date?

A. When discussing my career I already mentioned that I was an inorganic chamist. These plants of Austria were inorganic plants and it was in that, of course, that I, as an inorganic expert, would be asked for advice. In the course of 1978, since I, myself, was used elsewhere, I sont Dr. Hager of Leverkusen, one of my most emperienced chamists, to inspect the Austrian plants. I, myself, then intended to take the supervision from a chamical and technical point of view. When the new shareholding law eliminated the influence of Aufsichtsrat members on current business affairs, I became the general-director of the Domauchemie in the Fall of 1939. Domauchemie consisted of the plants of the Skode-Wetzler Flants which were acquired in October of 1938, and of the chamical plants of the Deutsch-Matrei, A.G.

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- A (Continued) My activities as general director of Donauchemie was purely honorary, and I received no salary for this activity what-soever. This was morely a supervisory job, and I was not the plant leader of any of the smaller individual plants in the sens of the regulations of the National Labor.
  - Q According to what principle did you supervise Donauchemie?
- A My desire, as well as the desire of my colleagues concerned with that question, was directed from the very start to establish an independent Austrian enterprise which was to be supported by Farben economically and which was to be reorganized and modernized by it. Mocsbierbaum during the first World War mad been a large state accumition factory. The large terrain of Mcosbierbe um worried me particularly. I already mentioned that on this terrain, about four hundred scres large, in addition to a few production buildings there were a number of former explorious sheds which were spread all over the area. The maintenance, of these buildings brought about a large expense; it was my intention to build, to buy terrain near the Danube, which was five kilometers away, and thereby achieve possibilities for cheap water transportation, and then I should be able to produce with substances which could easily be transported by way of the Danuba into the various countries of the Blkans. I actually succeeded in buying a site near the Danube, and to start constructing a port. Thewar, however, caused a failure of all those plans and actually caused much harm to Donauchemie. Donauchemie did not produce any war essentials or vital products and whatever was produced there could just as well have been produced by the Farbon plants of the German Reich. That is why the economic losses of the first years lead to many considerations for the final stoppage of the plant, and a way out was sought after. I was, therefore very glad when I succeeded in the transfer of a power plant, the construction of which was ordered to Parbon by the Air Ministry in the Austrian territory to Moosbierbaum of Neuburg.

For that purpose I made available a part of the site which I had acquired and leased part of the site. Another order to Farben, to construct magnesium plant in Austria, I managed to also execute at Moosbierbaum; since the old site of Moosbierbaum was unsuitable for that purpose, a new site was acquired near the Danube so that the center of gravity of the plant, was shifted to the new site. That is where the new sulpharic field plant was constructed. The old plant of the former Skoda Metzler disappeared entirely besides those new plants. Apart from that, it was always my principle to bring into being all the social is thatiens at Longuehomic which we had with Farben. This actually is permed after 1936 as far as war conditions permitted it.

W Dr. Muchna, aid & oda Wetzler, have any significance for the Four Year Plan or for Mars ment?

A No, not in the left. At the Skoda Wetzler Worke every day inorganic products were proluted for the Austrian markets, such as sulphuric acid, super phosphite, tleaching agents and sulphuric nitrate. In addition to that, potato starches and gencors syrup. The said inorganic productions were carried on a very small scale. The most important was the sulphuric seid production which, however, to a large extent was used for the production of super phosphate at the plant itself. In order to give you a picture of the production, I might say that the sulphuric acid production at Moosbierbaum amounted to about 24,000 tons per year, as compared to six hundred to thousand tons produced by Farben in the Reich proper. In the case of other productions, the proportion was even more unfavorable. The entire production was, therefore, of no particular significance for the Four Year Plan or for any resumment. When the war broke out, the super phosphate factory had to coase operation, and the closing down of other production fields because of their insignificance or because of the ergo losses incurred was always opposed by us.

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The only production where any increase occured was the field of sulphuric soid. The existing plant at Moosbierbaum was very obsolute,
and, therefore, as parly as 1938 I planned a modern construction to
substitute the old plant. When later a larger consumption came
about, as a result of the increasing industry, we continued to operate
the old plant which was obsolute.

Q In a letter from Dr. Wintersberger to Dr. Mayer Wegelin, of the 22nd of Nay, 1939, Document NI-9627, Exhibit 1101, Document Bock 53, page 107 of the English, page 118 of the German, it is stated this is Exhibit 1101, it is stated that you authorized Mr. Nusko to pay to the non-Aryan employees of Donauchemie compensation amounts of up to 60 per cant of the logal limits. Can you tell us how this came about?

A Mos. , by principle which I executed, not only in Donauchemie was to treat non-Aryan employees as generously as possible because the treatment of non-Aryans in the Third Reich, according to my view, was very unjust. On the 12th of November, 1938, a decree had born issued which eliminated all Jows from economic life. This ordinance was one of the various measures which was taken by the Gorman government after the murder of the German legation counsellor von Rath in Paris by a Jew with the name of Gruenspan. This ordinance meant that throughout the entire Gersan Reich, inclusive of Austrian, that every Jew who was active in an occnomic enterprise in a leading position could be given notice within six weeks, and that after this period all his right word cancelled arising from the contract. The compensations which were paid by Donauchemie to its own non-Aryan caployecs voluntarily meant a great deal for these people, as compared to the possibilities offered to them by the law. I remember that we had considerable difficulties with the Gestapo, and that special negotiations were necessary in order to pay this sixty per cent of the contractual obligations as compensation.

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That the non-Aryan employees had to be dismissed, I unfortunately could not prevent.

Die LULYDRY: Your Honor, this was the last question and answer with respect to the Austrian ouestion. I shall now supplement these statements by submitting a number of documents. I am referring to Document 61 up to 66, as well as 117. Document 117 you will find in a little supplemental book which I should like to discuss the contents of these documents after the noon recess.

THE PHESIDENT: Very well, it is near enough time to recess for lunch. The Trib mal will rise.

(The Tribunc1 adjourned until 1330, 30 Merch 1945)

## AFTERMOON SESSION

(The Tribunal reconvened at 1330 hours, 30 March 1948.)

THE MARSHAL: The Tribunal is again in session.

Has KUEHNE - Resumed

DIRECT EXALINATION (Continued)

DR. LULLERT: (Attorney for the Defendant Hans Kuchne)

hir. President, the witness Kuehme discussed the question of Austria before the recess. I shall now supplement his testimony by presenting documents 61 through 66, and Document 117. Document 61 is an affidavit of the witness Platzer. This document corresponds to the Gattineau Document No. 4 which will be later offered by the Defense Counsel of the defendent Gattineau. I offer a duplicate of that affidavit into evidence.

May I set for the contents of this affidavit briefly. It is in

Document Book No. 2, on pages 130 to 135. The witness Platzer confirms

in paragraph 1 of the affidavit that already long before 1938 there were

close connections between the Austrian chemical firms and Farben. Under

paragraph 2 the affiant says that he himself and other Jewish employees

of the Austrian firms were treated with every consideration after the

Anschluss despite severe regulations that the government had issued; that

Farben treated them as considerately as possible.

I do not have to set forth paragraph 3 in detail. This given a survey of the Austrian chemical industry and it says that those plants belonging to the Donauchemic in 1939 comprised loss than 50 per cent of the entire Austrian chemical industry.

Paragraph 4 of the affidavit contains statements about the personnel conditions of the Donauchomia to Franchis can be seen that Dr. Kuchne become the general manager; the majorier general manager of the Donauchomie but that he was not a plant longer in any of the plants.

Paragraph 5 contains statements about the expansion of the Donauchemie.

Paragraph 6 sets forth that no considers were being produced in any of the works of the Donauchemie; and, Paragraph 7 finally makes statements about the sales organization which was called Chemikaliongemeinschaft COURT VI CASE VI 30 Har 48-15-2-A-AEH-Sampson (Ketz)

Donau in Vionna.

Now, I want to offer Document 117, which will become Exhibit 117.

This is an affidavit of the chemist and former director of the imargania department of the Ferben plant in Loverkusen by the name of Dr. Haager.

The witness Kuchne testified that from 1938 on, he had repeatedly sent the witness Haager to the Austrian plants.

The contents of the affidavit under paragraph 1; the afficient makes, gives cortain data about the previous history of the origin of the Denauchemic A.G. Under paragraph 2 he describes how the personnel problems were evereone which existed after 1938. In that connection it is noteworthy that Ferben was at that time in ill repute with the Austrian National Socialist Organization as a Jewish firm. The witness further more confirms that it was Ferben's principle when dealing with persons victimized by racial and political reasons, to proceed with the greatest considerations and generosity.

Under paragraph 3 the afficient gives a vivid description of the economic difficulties which resulted from the considerably modest.

Denauchemic. He says roughly that it was the aim of Farbon, by bringing financial sacrifices, to reorganize and to modernize the chemical plants of Austria, and thereby to keep them going for the future. The outbreak of the war, that is what the witness says, prevented a good development. In order to overcome the economic difficulties during the war, Farbon chose the way out of constructing their own new plant on the Hoosbierbaum site, which they leased for this purpose from the Denauchemic A.G.

Under paragraph 4 of the affidavit, the affiant makes statements about the personnel of the plant management.

Under paragraph 5 the witness finally says that Farben in its business policy toward Domauchemic carried out the very opposite of robbery and spoliation.

I now offer Documents 62 and 63 as Exhibits 62 and 63 respectively.

They refer to the death of the angineer Pollak; the death of this person was extremely regretted by Dr. Kuchne, as he said in 1938. Both witnesser say that they didn't know anything about an unnatural death of this man, as testified to by the witness Rottenberg.

Document and Exhibit 64, follows next. These are excerpts from the ris of the Chemicals! Committee of Farbon which was called Chema. I are chosen those two excerpts to examplify that in many meetings the low profitebility and the economic difficulties of the Hoosbingbaum plant was discussed.

Document and Exhibit No. 65 serves the same purpose. This is an excerpt from the minutes of the meeting of the Vorstand of the Donauchemie, A.G. of the 12th of March, 19h2. It is stated expressly here that the plants of the Toosbiorbaum enterprise, represented a heavy economic burden for the Donauchemie, A.G. and that one was seeking a solution.

The next document in this group is Document and Exhibit No. 56, an affidavit of the witness Hearman, a Department Chief and Supervisor of the training shops of the Farben plant, Laverkuson. Dr. Muchno has testified that it had been his endeavor after the annoxation of Austria to transfer the good social institutions of Farben to Austria for the Austrians to bundlit by these institutions. T is affidavit gives an example because it says that when Ferben took over the plant, Mossbierbaut, the encaptary installations for the proctical and theoretical training of apprentices, as way could be found at the I.G. Plant Leverkusen were installed there upon the instructions of Dr. Muchno.

I now turn to the problem of the Chamische Werke Aussig Falkenau.

The Prosecution has submitted a letter which you, Dr. Kuehne, wrote on the 23rd of September, 1938, to the gentlemen, ter Heer and von S hmitzler, FI 3721, Exhibit 10kh, Book 51, page 116 of the English, and page 18 of the German. In this letter you express your pratification about the feet that the two gentlemen had succeeded in a chieving an understanding with the component agencies for Ferben interests in Aussig, and about the fact that these agencies had already been sugested in the persons of Dr. Augler and Theorem a Rosmissons.

9 What can you say in that connection, Dr. Kushne?

A May I ask the Tribural to pormit to first to correct a mistake?

As I was told the translation when I described the production of sulphuric acid in Moosbierbaum, and when I said that Moosbierbaum was producing

2,00 tons, it was apparently translated 420,000 tons. That, of course, the give the wrong picture. I wanted to explain the ratio of 24,000, as a pered with 500,000 tons of Farben and 24,000 in Moosbierbaum.

About the question of my defense counsel I must say this: My counsel has already submitted document and exhibit No. 1, the affidavit of my associate Dr. Max Maier. Max Maier was director general of the Proper Warein until 1936. Today he is an American citizen. He confirmed that I was a close friend of his, and that because of the friendship between us that existed since 1924, there was a close cooperation between Farben and the Enterprises of the Prayer Warein, and that there was a great number of exchanges of experiences and processes.

This is also corroborated by Dr. Petersen's affidavit which is Docutions and Exhibit No. 28. This friendly cooperation was continued by me after 136, with D. Jaier's successor, the Czechoslovakian lawyer, Dr. Basch, who later became the director general of the Verein.

In the Aussig-Falkonen plant there were a let of Ferben experiences which had been given by Farben to these people on the basis of a gentleman's agreement that was arranged with Dr. Maier. Then, in the course of 1938, it become more and more clear that the fate of this Sudeten-German area in which Germans lived would soon be decided, it was a quite natural obligation of the business policy of Farben, to intervene for the future faith of the plant of the Aussig-Falkenen enterprise that were situated in the Sudeten land. These plants from 1857 to 1918, had been in German or Austrian possession, and only after 1919, when the Czechoslovakian Republic was formed, they reverted to the possession of the Prager Verein, which was a Czechoslovakian enterprise. It could certainly be expected that the Prager Verein interests, if the territory was incorporated into Germany, would not be able, and would not want to maintain and held the Aussig-Falkenau enterprises.

I myself, because of my personal relationship with the directorsmemoral of the Prager-Verein, Max Maior and later Basch, was interested in this question. The centlemen ter Meer and von Schnitzler, because of their activity in the dyestuffs factory of Farben, had vital interests in the future fate of the Aussig-Falkenau plants, for the Prager Verein had been taken into the Quardripartite Cartel next to the Aussig Plant, and it had to be avoided. These arrangements were disturbed by changes in the relationship of expersiple of the Prager Verein.

For that reason, in the course of 1938, a commission was appointed in Farbon, which was to observe these conditions. The Counission consisted of ter Meer, von Schnitzler and myself. On the 23rd of September, 1938, I was informed by telephone from Frankfurt-on-the-lain, that the gentlemen, Dr. Murster and Eugler had been suggested for Koumissars, and the political events would make it appear that the incorporation of Sudenten territory was intiment.

I believe it is understandable that I had some joy about this, and that I empressed this joy or pratification because I could hope that our ideas as those of the plant in Aussig, would not go into foreign hands.

O Dr. Yuchne, may I interpolate a question here? When did General Director Easch become D. Maier's successor? Do you know when that was?

Tes, I know it exactly because ir. haior compalined to me that the ever-increasing Czech participation in the Fre er-Verein, was making great strides, and that he had to go. He said to me literally at the time, "I am a German in Czechoslovakie, and in Germany I am a Jew, and therefore I have no other course but to engrate abroad", and if I remember correctly he said that at the end of 1936.

Q I now turn to my next quest on. In the course --

No. SPOECHER: May we have a stipulation then, Dr. Lummert, that the succession of Maier by Basch, Antonin Bosch, - took place at the end of 1936?

DR. LU WERT: I have no misgivings about agreeing to that stipulation.

Q May I now ask you, Dr. Kuehne, during the course of further negotiations with the state authorities, with the firm won Heyden and with the Prager Verein, did you, yourself, participate?

A Other people than Farben conducted negotiations at first, but I informed, generally, about these negotiations. However, in the subsequent negotiations that ook place between Farben, von Heyden on the one hand, and the Preper Verein on the other hand, I was present for the most part of the time, again in the capacity of expert, foreign organic questions. The leader of the negotiations for Ferben was Mr. von Schnitzler.

Q Dr. Muchne, did you have the impression during these negotiations that they were conducted with pressure exerted upon the Prayer-Verein?

A No, never. The negotial ons were conducted in a friendly spirit.
Fauturally, it could be seen that the Fre er-Verein people were not pleased
Locut the political developments, but neither from the part of Ferben
nor on Maydon's part can I remember that the general, political situation
was explicited for exerting a business pressure. On the contrary it was
by i pression that the sentiment of the Preser people during the negotiation
were respected very tactfully by us during the negotiations, were respected
very tactfully by us during the negotiations. Of course, the purchase price
was had led about, as is always the case during business transactions.

Parten and Havden offered negotiations based upon the judgment of Director Strubberg of the firm of Heyden. Strubberg was the the commercial director of the Aussig-Falkenau plants under Director Maier and knew the plants indetail. Pr. or, of course, demanded a such higher sum first, but in my opinion, it was an indication of the friendly spirit in which these negotiations were conducted, that the inredistely good compromise was underlater and accepted, and which were closely approached the offer of Farben and von Mayden, which was made by the Aufsichtrat members of the Verein by the name of Mr. Dvoracek, and further proof of the spirit in which these negotiations were conducted is the letter which the Pracer-Verein write i mediately after the purchase was concluded on the 7th of September 1938, where the letter expresses at the end that the friendly relations with Farben would be maintained in the future.

I remember very well that it was the spontaneous desire of the Prager people to write this letter on that very day, in order to express by this

offer, that the negotiat one had been conducted in the most friendly and and that they were now concluded.

Further proof in this direction is, in my opinion, the exchange of experience which was arranged over a period of several years. Ferben and the Properties actually in the following years, worked to other. They founded the synthetic feber plant in Bratislava where Director Martinek of the Properties entered the Aufsichtsrat in Bratislava and had the jost friendly relations there with the people from Farben.

Finally, ir. Dv racek in this very room testified as a witness and confirmed that he had not the fear if he had not signed the treaty or contract at the time, and that therefore he did not feel under any pressure when he was in Börlin.

- Q. Did you have the impression at the time in Berlin that the Prager-Verein wasprepared for a long time to yield their property at . Falkenau?
- A. Yes. The Prager people expressed quite frankly during the negotiations that substitute plants for the Aussig productions in the Czechoslovalnia area proper, was already under construction, for instance in Ruschau, Handlova and Novaky. Furthermore, Prager desired two-thirds of the purchasing price to be paid in certain products, and for the reason they expressed that they wanted to deliver these goods to their customers until the substitute produces were being produced for these original goods.

In that connection I want to point to the affidavit of the Czech Engineer Heryng, which is NI 11622, Exhibit 1122, Book 54, on page 158 of the Gorman, and page 7h of the English. Heryng says there that the Prager-Verein already at the beginning of October, 1938, - that is to say one month before the negotiations between Farben and von Heyden took place, - transferred valuable stocks and machinery to the Czech interior. Furthermore, actually we found out later, that almost all blueprints had been transferred to Prague. The Prager-Verein would cortainly not have done this if it had been its intention to retain the property Aussig-Falkenau.

By the way, the Prager-Verein also negotiated with the Ruetiges
Plant simultaneously, as testified to by Dvoracek, but the AussigFalkenau objective was a little too big for Ruetiges.

I finally want to remark that the Prager-Verein, during negotiations with Farben, also bluffed a little when it evaluated the plant for titanium dioxides that were in Ruschau. They evaluated it too nightly and therefore later could not meet the quota; to equalize the difference, the Titan Gesellschaft, Leverkusen, during the years 1939 through 1944, had to pay more than one million marks, altogether to the Prager-Verein. This was actually one million marks paid for a bluff.

Q. Were war products produced in Aussig and Falkenau?

The Prosecution submitted an affidavit of Mr. von Schnitzler,
Document HT 5195, Exhibit 1056, Book 51, on page 222 of the English,
and page 83 of the German, in which Mr. von Schnitzler says that
Aussig had manufactured typical war products such as hexametyhlene
tetramine, and sulphur carboncide.

A. That is an error, and can be understood because Mr. Schnitzler is a business man. Sulphur carbon, which is a combination of sulphur and carbon dioxide, is used for the production of rayon and has nothing at all to do with a war product. Hexamethylene and tetramine, which is also not a war product, but which s used as a remedy under the name of Urotropin, was not produced in Aussig, as far as I know.

Fir. von Schnitzler is confused evidently with hexachlorine ethnane, which is a constituent part for a smoke screen caldle which was produced in 1940 in a particular specifized plant in Aussig.

This plant was constructed in Aussig upon the request of the OKH and was paid for by the OHK. The Aussig-Falkenau plant did not produce typical war products.

Q. In that connection I now offer Documents 67 and 68 and Document 118. The first document, 118, which is Exhibit 118, is an affidavit of the business manager Strubberg, a member of the Verstand of the Chemical Factory von Heyden, A.G. in Dresden. I shall briefly set forth the contents of this affidavit under paragraph one, and this is in the supplement, Your Henors, on pages 309 to 312.

Under paragraph 1 the affiant makes statements about the circumstances leading up to the acquisition of the plants Aussig and
Falkenau by the Prager-Verein. Under paragraph 2 he says that during
the negotiations in Berlin about the acquisition of the plants Aussig
and Falkenau, jointly, entered upon by Farben and the Chemical factory
bon Heyden, no pressure was exerted on the representatives of the PragerVerein.

He says that the negotiations rather took place in an amiable spirit, and within the customary business formalities. The purchase price of 2h million marks he says furthermore corresponds to the compromise proposal of the President of the Czech National Bank, Dvoracek.

For the rest he lists a whole series of concessions that were made to must the Prager-Verein half-way.

Document and Exhibit No. 67 in Book 2, on page 146, is an affidavit of the affiant Dr. Raspe, who was a Prolamist of the Titak-Gesellschaft mBH, Leverkusen. The affiant confirms that the quotas allocated for the Titan were from the Prager-Verein. The Prager-Verein could not even meet the sales quota agreed to at a later time, and received from Farben a compensatory payment for the difference, amounting to more than one million Reichsmarks for the years 1939 through 1944.

Document 68, which is Exhibit 68, is an affidavit of the affiant Dr. Thionomann, a director and Chief of the Inoraganic Department in the Farbon Flant Loverkusen. The affiant was a business manager of the chemical plant Aussig-Falkenau, mbh. This firm did not produce any war material. Hemschlerethane was produced in a plant by the firm for the army merely operating as a trustee for the Wehrmacht, namely upon the orders of the Army Armament Office.

IR. SPECHER: Mr. President, Dr. Lurmert referred to a document which the Prosecution did put in evidence, but which we later withdrew. That was Exhibit 1122, NI 11622, which is the affidavit of Joseph Haryng. We withdrew that in order to avoid a certain amount of repotition and some problems in calling affiant here for cross-examination. We have no objection to its re-introduction as a Defense document, of course, but I just want to point out that it is not before the Tribunal.

THE MASKERT: The exhibit would not be a proper subject of inquiry here unless Dr. Lummert, you desire to offer it in evidence. If you do, you may make it your own exhibit and offer it in evidence.

DR. LUIDAT: May I say this in that connection. Not I, but Dr.

Excessory for me to offer this document as an exhibit for myself.

Dr. Kuchne's statements about it are sufficient.

PR. SFIECHER: Well it does not quite meet our problem, it seems to us at the moment.

THE PLESTRET: Has the Prosecution moved to strike from the testimony of the witness the reference to its identified document 1122?

IR. SMICHER: I feel obliged to do that, Mr. President.

THE MESIDENT: Then the motion is sustained, and that part of the evidence of the defendant is stricken because the document to which he refers is not before the Tribunal.

DR. LUIZE.T: I have just offered Documents 67 and 78, and I now take the Tribunal to be kind enough to take up once more Document Book I, where I ask you to look at the affidavit of Dr. Max Mayer, which is Document No. I. On last Thursday, I offered Documents 1 through the only for identification. The Tribunal will remember perhaps that this was done in connection with the Voice of America that I mentioned. Document 1, however, is in the proper form of an affidavit, and I now offer it as a competent exhibit.

IR. SMECHEN: Ar. President, it seems to us that the affidavit of Dr. Max Mayor, who was no longer present in Czechoslovakia after the end of 1936, is quite remote to the real issues here. However, we will not make any objection except to call that to your attention with respect to the weight that should be given to this matter. But we will feel obliged during cross examination to introduce the affidavit of Mayor's successor, Antonin Basch, concerning the same general subject matter.

THE HESTHEAT: Very well, Mayor, confirms in this affidavit

the friendly support that lasted many years which he was given by Dr.

Knohme in many fields, and particularly when rival interests were at

stake. He quotes many examples for their close collaboration at the

time. I ask Your Henors furthermore to look at Document 28 once more

in Book I. This is on Page 62 of Volume I. The affiant Petersen makes

statements about the close cooperation between Farben and the Prager

Verein and about the personal friendship between Dr. Knehme and the

two successive directors general of the Prager Verein, the affiant

Dr. Mayor and Dr. Basch. This is the contents of paragraph 1 of this

affidavit. May I perticularly direct your attention to one passage

on Page 63 at the top. There the affiant Petersen says, I quote,

"Herr Dr. Knehme and I met Herr Dr. Mayor frequently later on, as Herr

Dr. Mayor represented the Prager Verein in the (activated charceal

comp.) AKTIV Kehle Gosellechaft until 1938. Agreeable business relations

developed also with Director General Dr. Basch resulting in mutual visits in the private homes of the gentlemen concerned. This cooperation lasted without change until the outbreak of the war." A little before this passage, Dr. Peterson says, "In 1936, Dr. Mayer had to relinquish his position as Director General." Then the date is correct. Actually, as is furthermore evidenced from the affidavit, Dr. Mayer represented the interests of the Prager Verein until 1938. This concludes the questions and the presentation of evidence about the subject matter Aussig-Falkenau.

### BY DR. LUIGERT:

- Q. My next question now will be the following. During any other acquisitions of Farben abroad during the years 1939 and following, did you participate personally?
- A. No, those negotiations were conducted by the people who were competent for each question.
  - Q. Liny I ask you, did you learn about them?
- A. I was certainly informed about them, for the people competent and responsible for this particular field reported about their personal decisions of their commissions to the Vorstand during regular reports.
  - Q. Did the Vorstand vote on such reports or suggestions?
- A. I can't remember any vote. I already talked about far-reaching decentralization in the Farben Vorstand. We had complete trust
  in our individual experts. We knew that they would get advice from
  experts. commissions and their legal advisers, who were given to each
  one of us. Thus it was not customary to check on the decisions in the
  Vorstand of the competent experts.
- Q. Did you consider any of the acquisitions of Farben of which yu you had heard, as "plunder" or "spoilation?"
- A. Ho, never, and not today either. As far as I know, Farben acquired all objects by way of proper and regular business negotiations and paid for them properly and fairly.

- Q. If. President, I now turn to the questions under Count III of the Indictment. By first question, Dr. Kuchne: the prosecution charges you with your having employed foreign workers in Leverkusen and quotes a few passages from the minutes of the meetings of the technical directorate in Document Book 70. What was your general attitude about the question of employment of foreign laborers?
- A. Since the Farben plant Leverlausen was directed according to the production plans prescribed by the military economic agencies, and since it had to keep operating with almost all its plants during the war, it was the first task of the plant leader to make the attempt after the war broke out to get replacement for those German workers that were immediately drafted for war. If he had not done that, the plant leader would have made himself liable to punishment for not mosting the prescribed production quotas, as has been repeatedly proved by the defense in the course of this trial. It was a matter of course that we tried, first of all, to get German workers, for the foreignworkers were more expensive than the German workers because we had to care for them and house them. But more than that, the different languages that they spoke made operations much more difficult in the plant. But apart from these aspects, the employment of foreign workers during times when scaroity of manpower in Germany existed, was nothing new in Germany. In the providence Saxony alone, which is my home, there came every year about 600,000 Poles for helping with the crops; and in the Ruhr and Rhine areas there were in the mines next to the Poles, Belgians in zinc mines and glass factories; and there were Dutch people working in agriculture. In my home district in the central German estates and beat sugar plants, there were so-called Polish barracks which housed the Poles who came in the summer and which stood empty during the winter. In the Ruhr area, there were even Polish newspapers for the Polish workers. Therefore, I was not pleased, but I wasn't surprised either, when the labor offices with whom we had to register

our requirements of workers, for the first time in 1940 assigned Polish triburs to us. Unfortunately, the Polish workers assigned to us for the most part, were not suitable for our plents. We were simply assigned all those people that had registered at the recruiting aguncies in the east. But since work in chemical industry requires less physical strongty but a certain intelligence and mental aptitude, we had to dismiss a number of the workers assigned to us after we had investigated them. Therefor, we decided, in agreement with the labor office, to recruit people ourselves on the spot abroad and to select them right there. In order to give the workers a proper picture of work in our plants, we gave the recruiting people films and parphlots about our plants. . Bosides these recruitings, we also made arrangements and contracts with Belgians and French contractors ab ut so-called loaned workers. We were quite clear in that connection about the economic burden which the foreign workers meant to us, for as I have already said, they caused extrememly higher costs than Gurman workers.

Q. How I offer Exhibit and Document No. 69. This is an affidavit of the affiant Lehmann, a director of recruiting of the Farben Lever-kusen plant. This is in Book II on Page 150. Under Paragraphs 1 and 2 of this affidavit, the affiant makes statements about the unobjectionable manner in which the Farben plant Leverkusen had recruited Polish volunteer workers from 1941 on. It is very significant how unobjectionable these recruiting methods were, and for that reason I want to ask the Tribunal to be kind enough to look at Page 150 and 151 and to read them briefly. Then it will not be necessary for me to read details for the record. The essential point in that connection is that in no way was there any pressure exerted upon these recruited workers, but rather that until their departure for Germany it was left up to their own free decision whether or not they were going to accept work in Germany. Under paragraph 3 of the affidavit, the affiant makes

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state ents about the good treatment of the foreign workers, especially about the cultural care they were given. I shall deal with that later.

I now ask Your Honors to be kind enough to look once more at Document 50, which is on Page 108 of the same document Book No. 2. In this excerpt, I am only concerned with Para raph 5; that is on page 110 in the middle. Here are detailed statements made about how much more expensive the employment of foreign workers was than the employment of German workers. I note briefly the following sentence: "A personnel department list shows that the everall expenses for the German work as are 34.67, In which is equal to 17.21 per cent of their pay. For the foreign workers, the amount is 52.13 teichsmarks, equal to 28.39 per cent of their pay." This very large difference results particularly because of the feet that the foreign workers were cared for in every possible respect, and particularly in regard to their housing, their food and cultural care. I shall later present evidence about this care that was shown to them.

I now of or Document 70 which is Exhibit 70. This is an affidavit of the chemist and director in the Farben plant Loverkusen, Dr. "arnecke. The affiant describes the so-called "Red Slip Procedure." In order to explain this, I want to state the following briefly. In I Document 5765, Exhibit 1371, Book 70, Fa e 25 of the English and Fage 51 of the German, it is stated in the The record of the 14 of September 1943 that the red slip procedure failed and that for that region the only possibility that remained to receive workers was to recruit work as in two particular departments of France. The prosecution, on page 3298 of the English record and 3324 of the Cerman record, remark quite properly that the red slip procedure provided for a particular priority in the allocation of workers, but the Farben plant Loverkusen apparently didn't jet any workers under this procedure because it wasn't important enough for war. In this document, Kuehne No. 17, the red slip procedure is explained by the affiart, Dr. Warnecke, for the information of Your Honors.

May I now ask you, Dr. Kuehne, do you remember this red slip procedure.

A I can't remember this in detail any more. If I remember correctly,
it was intitated towards the middle of 1943, and I went into retirement at:

the end of July 1943 when I left Loverkusen to live in Lindau. But I know that the red slip procedure was instituted for very important plants, and Leverkusen was important for war and important for Life, but it dien't come under the red slip procedure. Nevertheless, the plant had to procure workers and therefore it was tried again and again, and as it is stated here by Mr. Marnecke, it was tried to recruit voluntary workers. That was probably continued in the same manner under by successor, Dr. Haberland.

Q Did you or Tarben at any time emert pressure for the recruitment of foreign workers? Did you exert this pressure or did you desire that it be exerted?

A No, noither I nor, as far as I k ow, any of my colleagues ever desired that any pressure be exerted when workers were recruited, nor did they cause any pressure to be exerted.

Q The prosecution says in its trial briof in Part III, on Page 26, with reference to the TDZ record of 4 of May 1943, MI-5765, Exhibit 1371, Document Book 70, Page 24 of the English, Page 49 of the Grman, that there the necessity was emphasized of exploiting the work of the eastern workers properly. That do you have to say about that?

A The record shows quite cherrly that the expression of the prosecution and the interpretation of the word exploitation is incorrect. In the record, it says, and I quote, "The necessity of a proper allocation of the eastern workers is referred to who are to be employed only in plants." The meaning of this indication we that the eastern workers were only to be used for those purposes for which they had been requested; that is, work in the plants. It is incorrect for anybody to conclude from this record that the eastern workers were to be exploited particularly. All foreign workers didn't work more or lon or than the German workers. The everage subput was even loss; namely, only two-thirds of the working output of the German workers, because the foreign workers onerally were unskilled and had to be trained for our purposes in the

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charical plants for a long time. The principle of equal treatment of foreign workers as compared to the Cornen workers was layed down in a large number of directives issued by the German authorities. A cortain discrimination was only to be felt in the case of the Polish and eastern workers in their pay, but I shall deal with that later.

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Q "ay I ask you, how was the treatment of foreign workers, generally?

A The treatment of the foreing workers was, in the plant and in the cump for the foreing workers, very good. For the camps, the German Labor Front made available camp leadors whom the entrepreneurs of the enterprise had to accept ... When I at one time learned that such a comp leader had allegedly beaten a foreigner in the camp, I was able to have him dismissed after a hard struggle with the Labor Front. However, on top of that, I had appointed a supreme camp leader from among the personnel of Farben by the name of Herr Hollweg, who was living in my own house, in order to be able to learn from him at any time how the camps looked, after I returned from one of my many trips for instance. Besides, that I saw to it that weekly inspections were held by the plant leaders of the individual departments of the plants. These people were conducted around the camps. So that the plant leaders, independently of the plant management could convince thomselves of the conditions of housing and feeding of the foreign owrkers. In order that they might be able to talk to them and ask them for their requests, there were interpreters, but since I didn't quite trust the interpretors I also used chemists and engineers of the plants who knew the languages as well. For the rest, I always emphasized to my staff at every opportunity, that I wanted to have the foreign workers treated and fed in such a manner that they would make propaganda for Germany when they returned to their homes. I expressed this during the quaterly so-called plant leader's meetings where approximately two hundreds chiefs of the individual factories of the Leverkusen plant got together under my chairmanship. In order to protect the foreign owrkers against accidents in the newly established plants, I introduced the so-called guardianship system for the foreigners which was also in force for new arrivals in the Leverkusen plant generally.

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That is to say, every foreigner received, as far as possible a Gornan who was assigned to him, who had to train and had to protect him, and care for him until he himself, the foreigners, had sufficient experience. Therefore, we had remarkably few accidents in our plant.

Q In supplementation I now offer Document 71 through 74 as
Exhibits 71 through 74 respectively. Document 71 is an affidavit of
the chemist Dr. Dobmaior from the Leverkusen plant of Farben.
That's on page 155 of the document book. He confirms that Dr.
Auchne held the opinion of having the foreign workers treated well
and for the principal of putting them on an equal footing with the
German workers. The affiant says that Dr. Auchne's point of view
was that "who could work for us must get the same treatment as all
members of the plant." The witness quotes certain details and I
direct your Honor's attention to the foot of page 155 and the top
of page 155.

man in the Pharma Works of the Leverkusen plant. He says that every foreing worker in the Leverkusen plant just as every new German worker was given a personal gurdian who looked after him in every respect, in regard to his training, in regard to making available clothing and tools, in regard to helping him overcrate any difficulties, etc. He confirms that again here there was no difference made between the German and foreign workers.

Document 73 is an affidavit of the affiant Koch. He says that Dr. Kuchne personally was extremely interested in the welfare of the foreign ownkers and that he hired Mr. Hollweg, whom Dr. Kuchne has already mentioned, as an observer of the camps who was to work independently from the Party agencies in the interest of the foreign workers. The witness furthermore confirms that Dr. Kuchne took Mr. Hollweg into his own home so that he, Kuchne, might be at any time informed by Mr. Hollweg, especially when he came back from trips.

Finally, I offer Document 74, an affidavit of the affiant Weschkeinies, page 51 of the document book. The affiant makes statements about the good treatment of the foreign workers in the Farban plant at Leverkusen. I merely refer to this document. I don't trink I have to read from it for the record.

I now turn to my next question.

The Prosecution has submitted a report, NI 7110, Exhibit 1376,

Document Book 70 on page 63 of the English and page 120 of the

German. They are the minutes of a meeting of the Food Committee of the

Gebecjem of the Lth of June 1943. In these minutes, on page 64

of the English or 122 of the German, it is stated that the plant

at Bruex informs all parties concurred that French prisoners of war

might be besten in cases of violation of discipline. You were

given these minutes of the meeting for your information. What

did this mean?

A If this report was given to me for my particular information then it was not done so because of this -- inexplicable passage -- I must admit frankly -- but because at the end of this minutes it is stated: "It is decided that if Director Dr. Kuehne of Leverhusen will give his permission, the next meeting of the Food Committee will take place in Leverhusen." That is to say, I was to give my approval or permission for this request. Furthermore, I hadn't the least to do with this Food Committee. The plant in Bruex was anyhow not a Farben plant, and I, in Leverhusen, would never have tolerated a mistreatment of any worker whether he was a German or foreign.

We hay I ask you know, were the doraign workers housed?

A We housed the foreign workers just as well as we housed German workers. That is to say, we built barracks, socalled standard type barracks, about which several statements have been made in the course of this trial. These barracks were constructed extremely well. For instance, they had twofold insulation against heat and cold.

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Besides this double insulation for the sleeping rooms, they had similarly equipped diming and day rooms. Furthermore, there were dispensaries and sick wards. The rooms were heated with steam heat and the barracks were surrounded, for the most part, by lawns. I myself supervised, as far as my time permitted, the construction and the extension of the barracks and I suggested many improvements personally. From many passages of the minutes of the Directorate meetings and plant leader's conference it can be seen that I myself, as well as my collaborators, always concerned curselves about the welfare of the foreign workers particularly and that we conferred about this welfare.

Q To supplement this testimony about housing of the foreign workers I now offer Document 75 through 77.

Nr. President, may I ask you whether I should discuss the contents of these documents after the recess connectedly?

THE PRESIDENT: We will take our recess now.

(A recess was taken.)

THE LARSHAL: The Tribunal is again in session,

DR. LULMERT: Your Honors, the witness, Kuehne, was just speaking about the housing of foreign workers. In this connection I should like to submit documents and exhibits 75 to and including 77. Document 75 is an affidavit of the witness Finke, who is a senior engineer of the Farben plant Leverkusen, and also an affidavit of the architect Dr. Kunz, the head of the construction office of the plant Leverkusen. These two witnesses testify and confirm that both of the large work camps of the plant Leverkusen erected in 1941 to 1943 were well equipped from a structural point of view from sanitary and other respects, and that Dr. Kunz personally constantly concerned himself about the planning and the execution of these barracks.

Leverkusen plant. This witness gives us a lengthy report on the fact that the camps Eigenheim and Buschweg in Leverkusen were so excellently equipped with regard to the living rooms, kitchens, sanitary installations, and hospital barracks that the American and British military authorities, since May 1945, have praised the camps without any reservations and have considered them as the most suitable D.P. camps. He even described them as in every way suitable as troop camps. I don't think I need enumerate here the details contained in that affidavit, but I should like to ask the Tribunal to turn to page 165 to 167 in Book II and peruse them briefly. It is interesting because these are judgements as a result of inspections by the just mentioned military authorities. The result was again and again that the camps were considered as being excellent and beyond repreach in every respect.

THE FRESIDENT: Dr. Lummert, may I say to you that according to our calculations you have about two and one-half hours left for your presentation. You have, I may say, a very well prepared and thorough index of your document book. You are at liberty to use all of your time, but I can say to you for the Tribunal that in view of the fine way you have made up your index you will be perfectly safe if you abbreviate somewhat your presentation of documents, if you find it necessary to do so to keep

within your time.

DR. LUMBERT: Thank you very much, your Honor. I should only like to refer to the last sentence of Document 77. The witness Einsler, director of the Leverkusen plant and head of the engineering department says, and I quote: "Que dwelling samps finally reached a state which was recognized as exemplary."

I shall now turn to the next question. The prosecution, in their index to Book 70, Document NI 5765, Exhibit 1371 under number 15, and I quote, say: "These barracks are to be deloused." That intends to indicate that the barracks for foreign workers had to be deloused before being habitable for German families. May I ask you whether that is correct.

A. I am very glad to give my opinion on that matter, although these are minutes dated after the time I resigned from office - that is to say November 1944. However I want no blemish to rest upon my firm. It says in the German minutes that the barracks would have to be decontaminated -- that is not deloused. According to my convictions the translation should read not deloused, but disinfected or decontaminated. It is customary every where that camps housing a lot of people are being disinfected and especially if they are being used for newcomers. That does not mean to say that there was no vermin there at all. As a matter of fact we had quite a great deal of work with respect to the delousing of Eastern workers. The Russians considered lice as a protection against illness. They confused cause and effect because sick people lose their lice as a result of increased temperature. They thought, therefore, that whoever had lice would of necessity remain healthy. It was a known fact to us that the Russians, in the delousing process, managed to hide a few lice which they placed upon their bodies thereafter.

- of the English and 151 of the German text, the Prosecution has submitted three letters of the 5th, 6th and 7th of January 1943 in which three of your associates, Dr. Kuchne, write to you about certain deficiencies about the camps and they say they fear damages to health arising therefrom. What can you say about that?
- A. I immediately recalled these letters. The reports were written to me upon my own instigation and these exaggerated phrases were used upon my request. At that time it was extremely difficult for us to obtain the necessary material for the barracks from the responsible distributing agencies. My engineers had to take these letters to the competent officers for the distribution of materials and thereby they could more easily get the necessary material, that is why I asked these gentlemen to write me these letters. I believe that the dates on these three letters show they were written almost at the same time that this was done purely on purpose. These gentlemen had an opportunity to speak to me verbally at any moment, had they had any complaints, or any requests. It was not at all customary, of course, that these subordinated people would write me letters.
- Q. In that respect, your Monors, I should like you to refer once more to Document 77. I should like you to refer to page 169 of Document Book 2. Would the Tribunal please read the few lines on the middle of page 169. The witness, Dr. Einsler, confirms that generally such exaggerated reports were necessary in order to obtain sufficient material from the authorities. I shall now submit documents 78 up to 80 as Exhibits 76, 79, and 80. These are three affidavits of the witnesses, Dr. Popp, Dr. Wolff, and Leurer. These witnesses are the authors of the three letters just mentioned dated 5th, 6th and 7th of January 1943. Each one of these witnesses confirms, on behalf of his own letter, that these letters were requested from them and that they were written in agreement with the management of the Farben plant in this exaggerated form in order to more easily obtain material from the German authorities. Dr. Kuchne,

would you now be good enough to give us your position on the letter of 21 June 1944. This is Document NI 7100, Exhibit 1391, Document Book 70, page 118 of the English, and 168 of the German text. There again a similar complaint was raised in equally strong terms.

- A. This incident took place after my time and I don't recall it, but I do assume that this is a similar matter which was done on purpose. Although something can go wrong in any plant.
- Q. In that connection, your Honors, I shall submit Document and Exhibit 81 which is an affidavit of the witness Leurer. The witness confirms that the letter of 21 June 1944 was a deliberate exaggeration in order to get material from the authorities. My next question: How was nourishment of foreign workers?
- A. Nourishment for foreign workers was prescribed exactly by the authorities and partly was in some instances even better than the nourishment for the then German normal consumers. In every case nourishment was good and sufficient. My kitchen administration at Leverkusen regularly bought additional food stuffs so that the official rations of calories were always surpassed. In Germany today it is somewhat miraculous that still in the year of 1944, and I should like to ask the Tribunal to look at the chart on page 185, that the Polish ordinary worker received 2,833 calories and the Polish heavy workers received 4,042 calories. The chart is on page 185. The food was checked daily upon my instigation by a commission. The result was noted down in a book which I had submitted to me personally. I occasionally tasted the food myself in order to convince myself of its quality. Upon my instigation a weighing scale was established so that the foreign workers could themselves weigh the foodstuffs they received. The nourishment was so abundant that foreign workers, mainly the Poles, often sold their bread in Cologne on the black murket.
- Q. With respect to the nourishment of foreign workers at Leverhusen I shall now submit documents 82 up to 87 as Exhibits 82 to 87. I shall briefly explain the contents of these documents. Document 82 is an

affidavit of the witness Kahr. From the beginning of 1942 he was the Camp Leader of the barracks in Cologne where Western workers were housed. In addition he was entrusted with the distribution of food. At the end of 1942 he was transferred into the camp of Buschweg and in February 1943 into the Camp of Eigenheim. He distributed the cold foodstuffs and sold canteen supplies. As a result of his activity in these various camps mentioned, the witness managed to gain a complete conception of how the distribution of food was handled. He confirms that there was a very strict check of the food distributed and that every foreign worker received the rations to which he was entitled. Document 83 is an affidavit of the witness Walter. That is on page 178 of the document book. This witness, since August 1942, was a food supply inspector at the Farben plant, Leverkusen. He gives us some details about the manner in which such control was exercised. He confirms that control was carried out conscientiously in every way. Document 84 is an affidavit of the witness Gollkofer. This witness gives us the extensive turn-over figures from 42 to 44 in the branch camp of the Farben plant Leverkusen. He mentions in particular sloes and textile goods. These sales figures show that foreign workers were very well supplied. The next document 85, is an affidavit of the witness Belz, the director of the Dopartment of Statistics of Leverkusen plant. He confirms the correctness of the charts I submitted, that is, page 183 up to page 195 of the document book, on the basis of which the statistics I mentioned with respect to Leverkusen were drawn up in the economics department. These statistics are in the German language. In order to facilitate the task for the Tribunal I permitted myself to add a little glossary on page 182, and 182a of the document book which explains all these words contained in these statistics.

I think that the list can easily be understood. Page 183 gives us a general survey of the food of foreign workers at Leverkusen from 1942 up to 1944. For all individual groups of foreign workers—that is, for Testern workers, Poles, Italians, Italian military internees, Frenchmen, Russians, etc—the individual calory rations are listed.

On page 183 we find at the upper right-hand corner a remark with respect to the calory rations of the German civilian population in the same territory, that is, Northern Rhine-Westphalia, in the years 1946 to 1947.

I should like to draw the attention of the Tribunal to the fact that these calory rations of the German civilian populations are very small compared with the food distributed to foreign workers at the time. In this connection it must be mentioned that these German calory rations were not fully distributed at all.

Let me refer to the fact that my colleague, Dr. Hellmuth Dix on behalf of the defendant Schneider, has submitted evidence in that connection, that is, that these small calory rations actually were not met.

On page 183 there are the calories stated for the main groups, for the normal consumer, for the long and night workers, for the heavy workers, and for those workers doing the heaviest work. The following statistics, from page 184 to page 195, contain individual items referring to all groups of foreign workers— Western workers, Poles, etc. In addition, starting from page 191 the number of weekly menus are listed. From these charts the Tribunal will see that foreign workers had a very varied and very good nourishment.

The next document, No. 86, is an affidavit of the witness Peters, the manager of the Plant Kitchen of the Leverkusen plant. The afficient confirms a very remarkable fact to which I want to refer you particularly. He says that during the wer every possible opportunity was used in order to provide additional foodstuffs in excess of the official rations for the staff of workers and employees of the Farbon plant of Leverkusen.

As a matter of fact, the foreigners not only received the calory rations

which are indicated by the charts on page 183 to page 195, but, beyond that, they received additional foodstuffs which were additionally bought by the plant. The affiant confirms that these additional foodstuffs were distributed in the same way to Germans and foreigners alike.

Finally, Document 87 is the affidavit of Alfred Peters, and it shows that the children of foreign workers living at Loverkusen during the war were particularly well-nourished and supplied. I should like to refer you to the details of these affidavits.

## BY DR. LUMMERT (Counsel for defendant Kuchne)

- Q. My next question; Dr. Kuchno, you mentioned the system of the so-called sponsors before. You said that that was a means which served the prevention of accidents. That else was done in order to prevent accidents?
- A. Primarily a very careful instruction of foreign workers was carried out. That was done in their own language by way of pamphlets, notices, warning signs, film presentations, and publications in all the various places at the plant.

DR. LUMMERT: In this connection I should like to submit Document and Exhibit 88. This is an affidavit of the witness Sieberth, who was an electrician and statistician for accidents in the Farben plant at Leverkusen. The affiant testifies in detail as to the all-comprising procautionary measures for foreign workers of Leverkusen taken during the war in order to prevent accidents. The affiant, in substantiation of his affidavit, has appended forty-six annexes. I should like to submit these attachments to the Tribunal. It was impossible for me, for technical reasons, to have all this material copied into the document books. But I think it will be of interest to the Tribunal to take brief notice of the material. Primarily, these are instruction pamphlets drafted in all languages in question, such as Polish, Russian, Ukranian, French, Czech, Italian, Creatian, Flemmish, Dutch, etc. Furthermore, there are posters and other instructional material.

Let me add something, Your Honor. I shall very well manage with the

time allotted to me, and tomorrow morning I shall ask the Tribunal to keep in reserve approximately one hour of the ten hours which have been allotted to me for a brief presentation of evidence at a later time. I shall submit an application to that effect to the Tribunal at a later date. It therefore really didn't matter if I devote myself at some greater length to the presentation of the documents now.

Let me continue... From a cultural point of view, was anything done for the foreign workers, particularly to use up their spare time?

MITNESS: Yes, naturally. The cultural care for foreign workers was so extensive that it is hardly possible for me to enumerate all these individual measures which were taken. On principle here, too, the foreign workers were treated the same as Germans. In many ways there were special institutions made for their benefit alone; so, for instance, special sports installations were established, special swimming pools were constructed, sport equipment was purchased, music instruments were acquired. For the Russians, for instance, an entire Balalaika orchestra was bought. We had cinema and variety shows. We used foreign artists as well as indigenous personnel from the camp. Foreign books and newspapers in the most varied languages were available, and it was always possible for them to attend church services. Women received Farben clothing material from rayon and woolen remnants. They received all the necessary material to mend their clothing. A special sewing room was set up for that purpose. Colored paper enabled the various paper cutting works which was popular among the Eastern workers.

When families later arrived, they were cared for and placed together in separate rooms. For newly born children a nursery was established. For older children kindergartens were established which were cared for by indigenous and foreign nurses. A special hospital for foreigners was opened, and that was done within the framework of the Polyelinic which the Leverkusen plant had for some time. In addition to that, a dentist's surgery was opened which was well equipped.

In short, everything was done in that respect that was at all possible,

and this institutions of the Farbon Leverkusen plant were widely known as being exemplary.

### BY DR. LULIERT:

In order to supplement your statement as to the cultural care
for foreign workers, I shall submit documents and exhibits 89 to 96 as
a statement by the Paster Koueger of the St. Joseph's Church at Leverkusen.
The witness in that affidavit supplies details to the effect that the
management of Leverkusen plants promoted and supported the spiritual
care of the foreign workers and Leverkusen.

That was particularly true of the French Chaplain Padre Doyon, who was active in that respect and who was a foreign worker was sent to Germany, together with many other Prenchmen. This is the first document in Dook III.

The next document, No. 90, is a similar text of the priest of the Church of the Sacred Heart of Leverkusen, with the name of Klinkenberg. The witness confirms that the management of the Leverkusen Plant made available a special barracks for him to hold divine services for the Polish workers.

Document 91 is an affidavit of Freu Laeufer. This witness took
the French Padre, I mentioned Doyen into her home. This was done with
Farben's permission although this was contrary to the official regulations.

The next document is 92. It is an af idavit of the printer called Job active at the Leverkuesen Plant. This witness gives details of the cure taken of the foreign workers at the Leverkusen Plant in the field of sports. He states that the management of the Farben Leverkusen Plant treated foreign workers like Germans in matters concerning sports. I refer to the document concerning further details with reference to the sports competitions etc.

The next document is 93, Exhibit 93. That is a very detailed affidevit of the Witness Gottberg, the social welfare expert of the Farben Plant at Loverkusen. She testifies about her social work for the benefit of foreign male and female workers during the war.

In paragraph 1 of the affidavit, the affiant confirms that the special interests of women were particularly taken into consideration.

With reference to 2 and 3, the affiant describes the very efficient and versatile equipment of the camp "Z block and Buschweg".

Paragraph & contains statements as to the cleaning of the camps and its sanitary installations.

largraph 5 deserves special attention. Here statements are contained about the cultural care for the camps through church services, cinema, variety shows, language and lecture courses, periodicals banks, musical instruments, cabarets, concerts sewing courses, clothing and shoes. There are an abundance of statements which describe the exemplary manner in which foreign workers were cared for.

Faragraph 5 of the affidavit contains details of the special care bestowed upon infants and children.

Paragraph 7 confirms that no disease of an epidemic character occurred and it gives the reasons for the deaths of a few children, occurring in November 1963.

The next document is Document 9h. That is an affidavit of the affiant Weng, who was the librarian of the Leverkusen Plant. This affiant cared for the fereigners from a literary point of view.

Paragraph 1 of the affidavit gives details of the work done in the libraries. 't shows how foreign b oks and periodicals were distributed to the foreign workers.

Paragraph 2 concerns itself with the variety of language courses set up free of charge for the benefit of the foreign workers.

Parigraph 3 has 23 original inclosures which constitute examples for her statements under 1 and 2. These inclosures contain lists of the books available at the lending libraries. Furthermore, there is some text back material for the language courses and beyond that there are lists of participants in these language courses. These compilations show that the language courses were regularly attended, In order not to burden the document book, these 23 inclosures were naturally not copied. However, I hope that the Tribunal will take notice of these original inclosures.

The next exhibit and document is 95 and it is an affidavit of the affiant Dr. Wolff, the Chief Physician of the Works Polyclinic of the Farban Levarkusen Plant. 30 Mar.hó-A-GJ-25-3-Arminger-Court 6 case 6

This affiant describes in great detail the medical and sanitary care for those fereign workers at the toverkusen Plant during the war.

With reference to Paragraph 1, the affiant states that the foreign workers on principle were treated in the same way as German workers. A special physician, Dr. Feder, devoted himself exclusively to foreign workers. Furthermore, a special but Patients Department was set up for foreigners at the Polyclinic.

With reference to Paragraph 2, he states that dental care was provided by a special dental station set up for the foreign workers.

Ly next document, 96 will deal with that also.

Paragraph 3 shows that in 1942, when the number of fereign workers increased, a special auxiliary hospital was created for foreign workers, in the beginning providing 5h and later 150 beds and that all the necessary departments were installed in that hospital. The auxiliary hospital was averywhere considered as being a model hospital.

Paragraph h shows that the babies and infants of the female foreigners were cared for in a special children's nursery.

Paragraph 5 mentions that the polyclinic of the Farben Lover-kusen Plant was very reluctant and negative in its attitude toward interruptions of pregnacy. Such interruptions of pregnacy, or, abortions were only carried out on Russian female workers when they themselves asked for it. This was done by a Russian gyneacologist, Dr. Kitaizev. The polyclinic was made available for these cases upon order of the authorities.

Paragraph o states that the personnel of the foreigners' department of the polyclinic was increased with the demand.

Paragraph 7 reports of the difficulties caused by the sudden arrival of the larger transports and how those difficulties were overcome. Furthermore, the witness reports on the reasons for cases of death among children.

Paragraph 8 describes the difficulties caused by the continuous air raids and how such difficulties were overcome.

Paragraph 9 refers to the extension records of the polyclinic concerning the medical care for the fercigners and finally Paragraph 10 of the document deals on page 233 with the State of health of the foreign workers. It is stated that on the average, the state of health of fereign workers was better than that of the German workers. I should like to ask the Tribunal to persue page 233 of Document Book III. If you will turn to that page, you will find that the percentage are given for the years of 1943 and 1944 about the sick. From these figures, you will see that the state of health of foreigners was better than that of the Germans.

This is an affidavit of the affiant Dr. Lowen, who was in charge of the dental station set up for the foreigners. He was in charge of the cental station, together with another dentist. He gives detailed statements as to the extensive dental care for foreign workers. This dental care corresponds with the most modern results of dental science. In order to illustrate these statements, you will find on page 236 and 237, two pictures taken at that dental station. I should like to ask the Tribunal to take notice of these photostatic copies. That is an 236 to 237 of the document book.

BY DR. LULERT:

Q I shall now turn to the next question. The Prosecution maintains, referring to a letter by the Belgian firm Swannet & Francois, of 20 September 1943, Document NI-8999, Exhibit 1379, Document Book 70, page 77 of the English and 132 of the German text, that 25 per cent of all foreign employees fell ill with typhoid. In the Prosecution's index of Book 70 it is stated even that 75 per cent of all employees of Lever-kusen were afflicted with that illness, that is to say, 3,000 to 4,000 men. What can you say about that?

A It is incomprehensible to me that any such statement could be made. Every reader of the document submitted by the Prosecution can see that this assertion is obviously incorrect. It becomes apparent from this correspondence which dates to, by the way, a time after my resignation, that the foreman of the Belgian firm which had 120 workers employed at Leverkusen, reported that 25% of the foreigners at the Eigenheim Camp near Mannsfeld, had fallen ill with typhoid.

The answering letter of the 29 September 1983, on page 135 of the German Book 74 of the English, shows that we are here only concerned with eleven typhoid cases of which two were fatal. That is excellent proof for the efficient medical care and the hygienic installations of that camp. Physicians, as well as laymen, will admit that if in so large a camp a typhoid disease breaks out, it is almost a miracle that it can be limited to eleven cases only, if one considers that the camp housed over 2,000 people.

The Prosecution's own document shows, furthermore, that at the time the illnesses in the Foreign Workers! Camps at the Leverkusen Plant were between 1.5 to 1.7 per cent of the sum of the workers; in other words, these figures are extremely low and I don't think I have to add anything to them.

Q Would you be good enough to speak on the question of abortions? A The document in question, Book 70, Page 62 of the German and Page 27 of the English, dated 10 July 1944, is a document which originated after my time. I was only present as a guest. Mr. Haber-land, my successor, was the chairman. However, with respect to abortions, I can refer you to the affidavit of Dr. Wolff which primarily confirms that these abortions were only carried out upon request of the women concerned and after thorough medical examination.

Q I have already stated this document is Document 95 and this matter refer to Paragraph 5 of that document. I shall now turn to my next question. The Prosecution under NI-1071, Exhibit 1386, Book 70, Page 98 of the English and 163 of the German text, has submitted a report of the 16 March 1944 of the Factory Office Committee, according to which Polish workers, according to a decision of the same committe, dated August 1943 should receive no furlough. What do you know about that?

A This matter too dates to a period after my time and I therefore have no knowledge of my own about it. I can only say this much:

The Factory Office Committee was a small commission of experienced plant leaders who supported and advised the social welfare department and, as I can see from the documents which have been submitted, this decision was never actually put into effect.

DR. LUMMERT: In that connection I shall offer Document and Exhibit 97 which is an affidavit by the witness Norsch. Unfortunately, the contents of these documents were not stated in the index by mistake. That is why I submitted a small peice of paper to you in which the relevant facts are contained. The witness gives us details of the home leaves of Polish workers. He states that the dedision of the 30 August 1943 not to grant home leaves for the time being to Poles was rescinded again only on 16 March 1944, but had not actually been carried out in the meantime. He gives us a number of details on that matter and there are some enclosures to substantiate his statement. I shall now turn to my next question.

BY DR. LUISERT:

On The Prosecution, on the basis of Document NI-5765, Book 70, Page 26 of the English and 61 of the German text, has asserted that at the time, in July 1944, female foreign workers who repeatedly spent their, nights outside of the camp were looked up by the police over Sunday, which prevented a decrease in the output of work. What do you know about that?

A I did attend that meeting of the 10 of July 1944 as a guest.

By successor, Dr. Haberland, was the chairman of that meeting but today.

I can tell you nothing about that from my own knowledge. At that time it wasn't my task a tall to concern myself with such a detail concerning the labor questions.

DR. LUMMERT: I shall submit in that connection the document and Exhibit 98 which is an affidavit of the chemical engineer, Dr. Wenk, who was a director in the Farben plant at Leverkusen. The witness states that the arrest of female foreign workers over Sunday, mentioned in the TDZ minutes of the 10 July 1944, occurred only through the police and that this was an official act. He confirms expressly that the Leverkusen plant did not initiate this meas ure. I shall now turn to the next question.

BY DR. LUBBERT:

Q Dr. Kuehne, you mentioned before that the eastern workers and the Polish workers were somewhat worse treated with respect to salaries than the other foreign workers and the German workers. Can you briefly give me some more details on that matter and what was your own attitude on that point?

A The German authorities had ordered that from the Polish and Eastern Workers' salaries a so-called Eastern Workers tax was to be deducted and paid to the finance offices. The reason therefore, in my recollection was stated as being that these workers were to be paid in accordance with Eastern conditions and that they had lower social demands. They said that deductions had to be made in payment of the good conditions afforded them by us. I don't remember that matter exactly. However, I did

think that this deduction was regretable and undesirable in the interest of my desire to have uniform treatment of all workers. I turned to the responsible agencies by submitting applications and protests to that effect.

DR. LUMMERT: In that connection I shall now submit document and Exhibit 99. This is an affidavit by the witness Goldborg, an expert for matters pertaining to wage policy and wage technicalities of all payroll departments of Farben. The witness confirms that during the war he reported repeatedly to the Roich Labor Ministry and other authorities especially by order of Dr. Kuchne, requesting higher pay scales for the Eastern workers and in order to achieve their equalization with the German workers. The witness has a dd a number of documents in order to substantiate his affidavit.

I have submitted a large amount of evidence referring to the excellent treatment of foreign workers in all possible fields. I should now like to supplement this material by Dogument and Exhibit No. 100. This is an affidavit of the witness Roettger the office manager of the Parbon plant at Leverkusen. He enclosed 47 photographs to his affidavit, and he confirms that these photographs give an objective and true impression of the housing and feeding installation for the foreign workers at Leverkusen of these times. furthermore, these photographs segments show from the medical and cultural care for the foreign workers. I should like to ask the Tribunal to briefly peruse these photographs. They are to be found on pages 246 to 270 of Document Book No. 3. Perhaps it is not necessary for no to explain these photographs. Every photograph has a caption which tells you what it is intended to show. I should lisk to refer the Tribunal's particular attention to one photograph The Tribunal will find that the foreign female workers were not only excellently neurished, but that they were dressed in a fasi nable and with good taste. This was so because Farben supplied these fo reign female workers with their own Farben clothing material. This, for instance, becomes apparent from the photographs on page 245 and 256. The photographs confirms everything which has been stated before. I just refer you to the laws around the barracks, the kitchen installations, the dayrooms; the distribution of food, the messhalls; the washrooms, the sewing room, pictures taken to be sent to members of the families of foreign workers abroad the medical and sanitary installations of the camp. You can lock at the instructions rooms for language courses, the nurseries, etc. I should now like to offer into evidence Document 101 and 102, as Exhibits 101 and 102.

Exhibit 101 is an affidavit by the Belgian painter Eelen. He states that from 1942 to 1945 he was excellently treated at the Farben plant Leverkusen, and that he himself felt very happy at the Farben plant at Leverkusen, as well as many others of his relatives,

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and that they wanted to remain there forever. If one takes into consideration all the documentary material submitted, such a desire to stay at Leverkusen forever seems to be very comprehensible.

Document 102 consists of three testimonies of foreign workers, one of them a female testimoniess confirm that they were at the Farben Plant during the war and that they were excellently and justly treated there. These statements bear the date of 1946, and do not bear the form of affidavits. I had these testimonics supplemented therefore by the affidavit of Dr. Seel, the Director of the Flant Protection Group of the Leverkusen plant. He confirms in his affidavit that these three testimonies of these three fereign workers were given to him in the year of 1946 voluntarily by the affiants because these foreign workers, as well as many other foreign workers, felt so very happy at Leverkusen. If one asks how this excellent treatment of foreign workers at Leverkusen was at all possible, one must point out two facts. For one thing, the Forben plant at Leverkusen, as it was testified to by Mr. Kuchne, had always had exemplary social institutions. Then again, Dr. Kuchno himself always desired the foreign cwrkers to be treated well. For two examples for that statement I should like to draw the attention of the Tribunal ones more to Document 50, in Document Book II. I should like to ask the Tribunal to turn to paragraphs 4 and 6 of this excerpt from the TDZ Minutes of the Farben plant at Leverkusen. These two minutes, of the 26th of February 1941 and 28th of July 1943 give you examples of the requests made by Dr. Kuchne to the plant leaders to care for foreign workers and to treat them justly and adequately. You will find this statement on page 109 and on page 11 of Decument Book II.

In conclusion, I should like at this point to deal once more briefly with Document 74, in Document Book II. It is to be found on pages 161 and 162.

I shall quote a very few sentences of this affidavit by this witness. I start from the bettom of page 161; I quote: "The foreign workers at the time of their arrival possessed for the most part only tattered clothing. They were also to a great extent in a bad physical condition. After a short time already one could observe that a change had taken place; first, through the welfare work of the plant for these people, and then also through private procurement of clothing from the civilian population. The female camp occupants received materials from the firm in order to make their own dresses. All told, it could be noted that after a certain pariod of time the foreigners were as well dressed as the German population, and that their physical condition could also be described as normal. It is known to me that many of the occupants of the camp has the desire after the end of the war to be able to continue working in the plant and that they did not wish to return to their homeland. Camp occupants who had already been sont away returned again and again to the camp in Leverkusen trying to remain there."

I'y next question, Dr. Kuchne, did you know that part of the foreign workers from the east or from the west were conscripted for work, that is to say, did not come to Germany voluntarily, did you know that they were sent to Germany in order to work there and, in case you did know that, since when did you know it?

A As far as I remember, I only heard toward the end of 1943, through reports and rumors, that workers sent to Germany were conscripted for that work and did not come voluntarily. Up to that point, I had assumed that not only those workers recruited by curselves abroad, but also the foreign workers assigned to us by the Labor Office had come to Germany voluntarily.

Q Lo you know that children were allegedly employed at the Leverkusen plant?

A During the time I was in charge of the Leverkusen plant, I cannot remember that there were any children at the foreign camp of Leverkusen.

Whether that was true at a later date, and how they were employed, I cannot say from my own experiences.

DE. LUMITET: In that connection I shall submit Exhibit and Bocuments 103 and 10h; Document 103 is an affidavit of the witness Zarges, an expert of the Social Department of the Farben plant Leverkusen. The affiant certifies that the Labor Allocation of Russian children since the fall of 1943 and that that was so upon the own wish of the parents concerned. Generally, they only worked up to four hours daily; children under 12 years were never employed and children from 12 to 14 were only employed exceptionally, that is to say, generally only children over 14 years of age; work at night or on sundays or helidays was out of the question.

Document 10h is the affidavit of the affiant Morsch. It gives us some supplemental details and refers to this labor allocation of a few Russian children at the Loverkusen Farben plant.

III IRESIDENT: Dr. Lummert giving you the benefit of some loss of time, for which you are not responsible, we have re-surveyed your situation, and we are going to say that you have an hour and a half instead of an hour tomorrow; but, please bear in mind that that is an hour and a half to complete your examination, and, for whatever time your associates use for examination of the defendant, and re-direct examination. So that we have no confusion, you have an hour and a half, you can use it as you see fit.

The Tribunal will now rise until nine O'clock tomorrow morning. (The Tribunal adjourned until 0900 hoursm 31 March 1948.)

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